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Paper 41 (IPR2015-00643)
Paper 42 (IPR2015-00644)
Paper 36 (IPR2015-00830)
Entered: January 21, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC. and AMNEAL
PHARMACEUTICALS LLC,
Petitioners,

v.

YEDA RESEARCH & DEVELOPMENT CO. LTD.,
Patent Owner.

Case IPR2015-00643 (8,232,250 B2)
Case IPR2015-00644 (8,399,413 B2)
Case IPR2015-00830 (8,969,302 B2)¹

Before SHERIDAN K. SNEDDEN and TINA E. HULSE,
Administrative Patent Judges.

HULSE, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ Case IPR2015-01976 has been joined with Case IPR2015-00643; Case IPR2015-01980 has been joined with Case IPR2015-00644; and Case IPR2015-01981 has been joined with Case IPR2015-00830.

IPR2015-00643 (8,232,250 B2)
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A conference call was held on January 21, 2016, among counsel for Petitioners Mylan Pharmaceuticals Inc. and Amneal Pharmaceuticals LLC (collectively, “Petitioners”), counsel for Patent Owner Yeda Research and Development Co. Ltd. (“Patent Owner”), and Judges Snedden and Hulse. A court reporter was also present on the call, and Petitioner Mylan agreed to file a transcript as an exhibit in due course.²

Patent Owner initiated the conference call to request authorization to file a motion to submit supplemental information under 37 C.F.R. § 42.123(b). Specifically, Patent Owner seeks to file eight or nine references cited in the Declaration of Henry G. Grabowski, Ph.D. (Ex. 2133) and a corrected version of Exhibit 2133 that refers to the supplemental information by exhibit number. Patent Owner asserts that the supplemental information was inadvertently omitted due to a filing error. Petitioner opposes Patent Owner’s request, arguing that Patent Owner cannot show that it reasonably could not have obtained the supplemental information earlier, as required by the rule.

After considering the parties’ arguments, we authorized Patent Owner to file a five-page motion to submit supplemental information by Friday, January 22. Petitioners are authorized to file a joint five-page opposition by Wednesday, January 27. No reply is authorized at this time.

² This order summarizes the statements made during the conference call. A more detailed record may be found in the transcript.

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Accordingly, it is

ORDERED that Patent Owner's request for authorization to file a motion to submit supplemental information under 37 C.F.R. § 42.123(b) is *granted*;

FURTHER ORDERED that Patent Owner's motion shall be no more than 5 pages and filed no later than January 22, 2016;

FURTHER ORDERED that Petitioners are authorized to file a joint opposition to Patent Owner's motion, which shall be no more than 5 pages and filed no later than January 27, 2016; and

FURTHER ORDERED that no reply is authorized at this time.

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