

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOPHARMA LICENSING, INC., INNOPHARMA LICENSING LLC,
INNOPHARMA INC., INNOPHARMA LLC,
MYLAN PHARMACEUTICALS INC., and MYLAN INC.
Petitioner,

v.

SENJU PHARMACEUTICAL CO., LTD., BAUSCH & LOMB, INC., and
BAUSCH & LOMB PHARMA HOLDINGS CORP.,
Patent Owner.

Case IPR2015-00902 (Patent 8,669,290 B2)
Case IPR2015-00903 (Patent 8,129,431 B2)¹

Before FRANCISCO C. PRATS, ERICA A. FRANKLIN, and
GRACE KARAFFA OBERMANN, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

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

¹ This order addresses issues common to both cases; therefore, we issue a single order to be entered in each case. The parties are authorized to use this style heading when filing an identical paper in both proceedings, provided that such heading includes a footnote attesting that “the word-for-word identical paper is filed in each proceeding identified in the heading.”

IPR2015-00902 (Patent 8,669,290 B2)

IPR2015-00902 (Patent 8,129,431 B2)

Petitioner (“InnoPharma Licensing”) filed motions seeking to join IPR2015-00902 and IPR2015-00903 with, respectively, IPR2014-01043 and IPR2014-01041 (“the related reviews”).² The related reviews were initiated by a different Petitioner (“Metrics”). This Order addresses the briefing schedule relating to the Motions for Joinder, and modifies the Order entered April 17, 2015. Paper 9, Paper 7.³

Based on information provided by counsel for Patent Owner (“Senju”), the Board extends to May 26, 2015, Senju’s time for filing an Opposition to InnoPharma Licensing’s Motions for Joinder. *See* Appendix (copy of email transmissions between the Board and the parties).

That Opposition shall be a paper filed separately from Patent Owner’s Preliminary Response, which is also due for filing on May 26, 2015. That Opposition shall include Senju’s position on InnoPharma Licensing’s Proposed Scheduling Order, which is due for filing on May 19, 2015.

In addition, the Board authorizes InnoPharma Licensing to file a Consolidated Reply Brief, in all four proceedings, that addresses both Senju’s and Metrics’ Oppositions to Joinder (as both Oppositions are now due on May 26, 2015). The time for filing that Consolidated Reply Brief hereby is set for June 9, 2015. The Consolidated Reply Brief shall be limited to ten (10) pages in length.

² The Motion for Joinder in IPR2015-00902 is Paper 3. The Motion for Joinder in IPR2015-00903 was filed as Exhibit 0 in that proceeding.

³ Paper numbers refer to IPR2015-00902 and IPR2015-00903 in sequence.

IPR2015-00902 (Patent 8,669,290 B2)

IPR2015-00902 (Patent 8,129,431 B2)

It is

ORDERED that Senju's time for filing an Opposition to InnoPharma Licensing's Motions for Joinder is extended to May 26, 2015;

FURTHER ORDERED that Senju's Opposition shall be a paper filed separately from Patent Owner's Preliminary Response, which is also due on May 26, 2015;

FURTHER ORDERED that Senju's Opposition shall include Senju's position on InnoPharma Licensing's Proposed Scheduling Order, which is due for filing on May 19, 2015;

FURTHER ORDERED that InnoPharma Licensing is authorized to file a Consolidated Reply Brief, in all four proceedings, that addresses both Senju's and Metrics' Oppositions to Joinder;

FURTHER ORDERED that InnoPharma Licensing's time for filing the Consolidated Reply Brief is set for June 9, 2015; and

FURTHER ORDERED that InnoPharma Licensing's Consolidated Reply Brief shall be limited to ten (10) pages in length.

IPR2015-00902 (Patent 8,669,290 B2)

IPR2015-00902 (Patent 8,129,431 B2)

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IPR2015-00902 (Patent 8,669,290 B2)
IPR2015-00902 (Patent 8,129,431 B2)

APPENDIX

Counsel: Based on the information provided by counsel, in IPR2014-00903 and -902, the Board extends, to May 26, 2015, Senju's time for filing an Opposition to InnoPharma Licensing's Motions for Joinder. That Opposition shall be a paper filed separately from Patent Owner's Preliminary Response, which is also due on May 26, 2015. That Opposition shall include Senju's position on InnoPharma Licensing's Proposed Scheduling Order, which is due for filing on May 19, 2015.

In addition, the Board authorizes InnoPharma Licensing to file a Consolidated Reply Brief, in all four proceedings, that addresses both Senju's and Metrics' Oppositions to Joinder (as both are now due on May 26, 2015). The time for filing that Consolidated Reply Brief shall be set for June 9, 2015. The Consolidated Reply Brief shall be limited to ten (10) pages in length. Orders to that effect will issue shortly.

Thank you,
Maria Vignone
Paralegal Operations Manager
Patent Trial and Appeal Board
[omitted]

From: Stroud, Jonathan [omitted]
Sent: Friday, April 17, 2015 5:27 PM
To: Trials
Cc: [omitted]
Subject: Request for Filing Date Clarification: IPR2014-01041, -01043, IPR2015-00903, IPR2015-00902

Board,

Counsel for Patent Owner in IPR2014-01041, IPR2014-01043, IPR2015-00903, IPR2015-00902 seeks clarification of today's Order in these four cases. *See, e.g.*, IPR2014-01041, Paper 31. In it, the Board indicated: "The time for filing of Senju's

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