

IN THE 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*

PROPOSED SCHEDULING ORDER
PURSUANT TO ORDER 9

¹ The word-for-word identical paper is filed in each proceeding identified in the heading.

InnoPharma Licensing Inc., InnoPharma Licensing LLC, InnoPharma Inc., InnoPharma LLC, Mylan Pharmaceuticals Inc., and Mylan Inc. (collectively “InnoPharma”) hereby respectfully submits this Proposed Scheduling Order in accordance with the Board’s Order entered April 17, 2015. (Paper Nos. 9, 9).²

InnoPharma’s Proposed Scheduling Order would extend the currently schedule date for oral argument in the Metrics IPR Nos. 2014-01041 and 2014-01043 minimally. *See* 35 U.S.C. § 316(a)(1); 37 C.F.R. § 42.100(c). The proposed extension should cause minimal prejudice to Metrics, Inc., Mayne Pharma, and Johnson Matthey, Inc. (collectively, “Metrics”) or Senju Pharmaceutical Co., Ltd., Bausch & Lomb, Inc., and Bausch & Lomb Pharma Holdings Corp. (collectively “Senju”).

² Unless otherwise specified, citations to the paper numbers refer to filings and orders in IPR2015-00902 and IPR2015-00903, respectively.

Dates	IPR2014-01041 & 01043	IPR2015-00902 & 00903 (proposed schedule)
Petition date (Metrics)	June 26, 2014	N/A
PO preliminary response to Metrics petition	November 20, 2014	
Decision of institution on Metrics petition	February 19, 2015	
Petition date (InnoPharma)	N/A	March 19, 2015
Motion for joinder by InnoPharma		March 19, 2015
InnoPharma to file proposed scheduling order		May 19, 2015
PO preliminary response to InnoPharma petition		May 26, 2015
PO opposition to motion for joinder		
Metrics opposition to InnoPharma motion for joinder and proposed scheduling order		May 26, 2015
InnoPharma consolidated reply to opposition to motion for joinder		June 9, 2015

Dates	IPR2014-01041 & 01043	IPR2015-00902 & 00903 (proposed schedule)
Decision of institution on InnoPharma petition		July 27, 2015 ^{3,4}
Ruling on motion for joinder		
PO's response to the petition	June 26, 2015	September 25, 2015
PO's motion to amend the patent (Due Date 1)		
Petitioner's reply to PO's response to petition	September 18, 2015	November 25, 2015
Opposition to motion to amend (Due Date 2)		

³ See EX2001, Transcript of Teleconference dated April 15, 2015, 36:15-37:1 (the Board explaining to the parties that although the Decision to Institute is due on August 26, the Board was willing to get it out earlier, so long as it was not before June 26th (“I could get them out earlier if we propose a schedule where I have to get the decisions to institute -- I don't see myself getting them out before June 26th.”)).

⁴ In the event the Board issues its Decision to Institute on August 26, then InnoPharma proposes that all of the corresponding dates will be pushed back by one month (with accommodations made if a Due Date falls on a weekend or a Federal Holiday).

Dates	IPR2014-01041 & 01043	IPR2015-00902 & 00903 (proposed schedule)
PO's Reply to Petitioner's opposition to motion to amend (Due Date 3)	October 8, 2015	December 21, 2015 ⁵
Motion for observation regarding cross-examination of reply witness Motion to exclude evidence Request for oral argument (Due Date 4)	October 8, 2015	December 21, 2015
Response to observation Opposition to motion to exclude (Due Date 5)	October 22, 2015	January 7, 2016
Reply to opposition to motion to exclude (Due Date 6)	October 29, 2015	January 14, 2016
Oral argument (if requested) (Due Date 7)	November 12, 2015	January 21, 2016

⁵ Due Date 3 and Due Date 4 fall on the same date, similar to the stipulation between Metrics and Senju in IPR Nos. 2014-01041 and 2014-01043, Paper 33.

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