

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS IV LLC,
Petitioner,

v.

PHARMACYCLICS, INC.,
Patent Owner.

Case IPR2015-01076
Patent 8,754,090 B2

Before GRACE KARAFFA OBERMANN, SUSAN L. C. MITCHELL, and
TINA E. HULSE, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

ORDER
Authorizing Patent Owner's Motion for Sanctions
37 C.F.R. § 42.12

A conference call was held on July 27, 2015, among counsel for Petitioner Coalition for Affordable Drugs IV LLC (“Coalition”), counsel for Patent Owner Pharmacyclics, Inc. (“Pharmacyclics”), and Administrative Patent Judges Obermann, Mitchell, and Hulse.

Pharmacyclics requested the conference call to seek authorization to file a motion for sanctions concurrently with its Preliminary Response. Pharmacyclics represented that the only sanctions it would seek in the motion is dismissal of the Petition for improper use of the proceeding and abuse of process under 37 C.F.R. § 12. Coalition opposed Pharmacyclics’s request for authorization of the motion for various reasons stated during the call.

Having considered both parties’ arguments, we authorized Pharmacyclics to file a motion for sanctions to dismiss the Petition. We emphasized that our authorization of the motion is not a determination on the merits of Pharmacyclics’s claims.

We instructed the parties to address in their papers (1) the elements of claims for abuse of process and improper use of the proceeding; (2) any evidence of intent that supports or undercuts the allegations in the motion; and (3) the standard of proof that we should apply in deciding the motion.

As for the briefing schedule, we ordered Pharmacyclics to file its motion on the same day as its Preliminary Response. Coalition may file an opposition to the motion ten business days after the motion. Pharmacyclics may then file a reply five business days after the opposition. The default page limits set forth in 37 C.F.R. § 42.24 shall apply to the motion, the opposition, and the reply.

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In light of the foregoing, it is

ORDERED that Pharmacyclics's request for authorization to file a motion for sanctions is *granted*;

FURTHER ORDERED that Pharmacyclics shall file the motion for sanctions on the same day as the Preliminary Response;

FURTHER ORDERED that Coalition may file an opposition to the motion for sanctions no later than ten business days after filing of the motion;

FURTHER ORDERED that Pharmacyclics may file a reply to the opposition to the motion for sanctions no later than five business days after filing of the opposition; and

FURTHER ORDERED that the default page limits set forth in 37 C.F.R. § 42.24 shall apply to the motion, the opposition, and the reply.

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