

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS VI, LLC,

Petitioner,

v.

CELGENE CORPORATION,

Patent Owner.

Case IPR2015-01092 (Patent 6,045,501)

Case IPR2015-01096 (Patent 6,315,720)

Case IPR2015-01102 (Patent 6,315,720)

Case IPR2015-01103 (Patent 6,315,720)¹

Before MICHAEL P. TIERNEY, MICHAEL W. KIM, GRACE KARAFFA
OBERMANN, and TINA E. HULSE, *Administrative Patent Judges*.

TIERNEY, *Administrative Patent Judge*.

ORDER
37 C.F.R. § 42.5

¹ This Order addresses issues common to all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading.

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An initial conference call in the above proceedings was held on December 1, 2015, among respective counsel for Petitioner and Patent Owner, and Judges Tierney, Kim, Obermann and Hulse. The purpose of the call was to discuss any proposed changes to the Scheduling Order and any motions the parties intend to file. Neither party filed a list of proposed motions prior to the call.

During the call, Petitioner requested authorization to file a motion to submit supplemental information under 37 C.F.R. § 42.123. Specifically, Petitioner seeks authorization to file two sets of supplemental information. The first set comprises three additional references that attempt to demonstrate the public availability of two documents relied upon previously by Petitioner. The second set comprises four references that attempt to demonstrate the public availability of another three documents relied upon previously by Petitioner. Patent Owner requested an opportunity to review the two sets of additional references to determine whether or not they would oppose Patent Owner's motion to submit them as supplemental information.

Based upon the discussions during the conference call, Petitioner agreed to provide copies of the two sets of references to Patent Owner prior to filing any motion to submit supplemental information. Patent Owner agreed to inform Petitioner whether or not they opposed the filing of the first and second set of references. Petitioner agreed to indicate on the first page of its motion to submit supplemental information whether Patent Owner opposes the filing of the motion. Additionally, no time was set for filing the motion as the parties agreed to work together to resolve any issues and

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indicated a preference for a flexible timeframe for reviewing the documents
and filing the motion.

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Case IPR2015-01092 (Patent 6,045,501)
Case IPR2015-01096 (Patent 6,315,720)
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