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Paper No. __

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Coalition For Affordable Drugs V LLC

Petitioner

v.

Biogen MA Inc.

Patent Owner

Case: IPR2015-01136

Patent 8,399,514

Title: TREATMENT FOR MULTIPLE SCLEROSIS

Petitioner's Opposition to Patent Owner's Motion for Additional Discovery

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I. Introduction

On June 29, 2015, BIOGEN INTERNATIONAL GmbH (“PO”) filed a Motion for Additional Discovery (“Motion”) pursuant to the Board’s Orders in IPR2015-01086 (Paper 8) and in IPR2015-01136 (Paper 14). This Opposition is due July 3, 2015 and is timely filed on behalf of Petitioner.

The Motion should be denied because it fails to show that the requested discovery is in the interest of justice. It is not in the interest of justice because: (1) the PO’s contention that “taking short positions against pharmaceutical companies” is an abuse of process and improper use of the *inter partes* review proceeding lacks any legal basis, (2) knowledge of “taking short positions against pharmaceutical companies” is already in PO’s possession. Nothing beyond speculation supports the contention that information about abuse of process or improper use of this proceeding exists to be uncovered, (3) any person who is not the owner of a patent may lawfully file a petition for *inter partes* review of a patent, and thus the act of filing a petition cannot be an improper use of the proceeding, (4) Petitioner has used the IPR process to challenge the patentability of US 8,759,393 and US 8,399,514, which is what that process was designed to accomplish, (5) PO’s allegations of wrongdoing are not pertinent to the preliminary phase of an IPR and must be considered premature. The PTAB lacks authority to consider an abuse of process claim at this stage of the proceeding and until a trial is instituted, and (6)

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