

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LANNETT HOLDINGS, INC.,
Petitioner,

v.

ASTRAZENECA AB,
Patent Owner.

Case: IPR2015-01629
U.S. Patent No. 6,750,237

PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY

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Petitioner's unsupported assertions do not to rebut Patent Owner's showing that the petition is time-barred under 35 U.S.C. § 315(b).

I. Petitioner Cannot Establish Insufficient Service

A. Section 18-105 Does Not Apply

Petitioner's assertion that the July 25, 2014, service of process did not comply with Del. Code Ann. tit. 6, § 18-105 is legally flawed. This statute pertains to service of legal process on a limited liability company ("LLC"). (**Ex. 1031.**) Petitioner is not a LLC; it is a corporation. (**Ex. 2027.**) Section 18-105 therefore does not apply. The applicable statute for service of process on a Delaware corporation is Del. Code Ann. tit. 8, § 321, which states that service of process on any Delaware corporation "shall be made by delivering a copy personally to . . . the registered agent of the corporation" (**Ex. 2028**); *Church-El v. Bank of New York*, No. CIV. 11-877 NLH/KMW, 2013 WL 1190013, at *5 (D. Del. Mar. 21, 2013) (**Ex. 1032**). Here, Parcels Inc. delivered the complaint and summons to CSC Entity Services, LLC ("CSC"), Petitioner's registered agent. (**Ex. 2002** at 2; **Ex. 2027.**) Petitioner does not dispute that CSC is its registered agent. Nor does Petitioner dispute that CSC accepted service of process on its behalf on July 25, 2014. No more was required for a legally effective service.

Although CSC is an LLC, it was not the entity served with legal process and therefore does not control what statute applies. It has never been a party to the

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