

Paper No. \_\_\_\_\_  
Filed: December 15, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LUPIN, LTD. and LUPIN PHARMACEUTICALS INC.,  
Petitioner

v.

SENJU PHARMACEUTICAL CO., LTD.  
Patent Owner

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Case IPR2015-01871  
Patent No. 8,129,431

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**PATENT OWNER'S WAIVER OF PRELIMINARY RESPONSE**  
**Under 37 C.F.R. § 42.107(a)**

Patent Owner waives its right, pursuant to 37 C.F.R § 42.107(b), to present a preliminary response. As indicated in the Trial Practice Guide, no adverse inference should be taken by this election. *See* Office Patent Trial Practice Guide, Fed. Reg. Vol. 77, No. 157 (2012) at 48764 (explaining 37 C.F.R § 42.107(b)). Patent Owner reserves all rights to submit a Patent Owner Response pursuant to 37 C.F.R. § 42.120, should the Board institute an *inter partes* review. This election should not be deemed an admission on the part of Patent Owner of any material presented in the Petition.

Respectfully submitted,

Dated: December 15, 2015

By: /Joshua L. Goldberg/

Joshua L. Goldberg, Back-up Counsel  
Reg. No. 59,369

*Counsel for Patent Owner*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **Patent Owner's Waiver of Preliminary Response Under 37 C.F.R. § 42.107(a)** was served on December 15, 2015, via email directed to counsel of record for the Petitioner at the following:

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Date: December 15, 2015

/Ashley F. Cheung/  
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