

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT TRIAL AND APPEAL BOARD

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COALITION FOR AFFORDABLE DRUGS V LLC;  
HAYMAN CREDES MASTER FUND, L.P.;  
HAYMAN ORANGE FUND SPC – PORTFOLIO A;  
HAYMAN CAPITAL MASTER FUND, L.P.;  
HAYMAN CAPITAL MANAGEMENT, L.P.;  
HAYMAN OFFSHORE MANAGEMENT, INC.;  
HAYMAN INVESTMENTS, LLC;  
NXN PARTNERS, LLC;  
IP NAVIGATION GROUP, LLC;  
J KYLE BASS, and ERICH SPANGENBERG,  
Petitioners,

v.

BIOGEN MA INC.,  
Patent Owner.

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Case IPR2015-01993  
Patent 8,399,514 B2

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Before RICHARD E. SCHAFER, *Administrative Patent Judge*.

**ORDER**  
**Conduct of Proceedings**  
**37 C.F.R. § 42.5(c)**

By email, each party has requested a conference call.

Biogen requests a conference call seeking authorization to file a motion to strike a portion of Coalition's Reply (Paper 46) filed September 28, 2016, and portions of the declaration testimony of Dr. Samuel J. Pleasurer (Ex. 1045).

According, to Biogen, the Reply and testimony raise a new theory of unpatentability and prohibited by 37 C.F.R. § 42.23(b). In the alternative to a motion, Biogen seeks guidance on how to address the alleged improper arguments and evidence. The email has been made of record as Ex. 3001.

An oral argument on this proceeding is scheduled for November 30, 2016. There is no apparent reason why the matter cannot be adequately addressed as part of the oral argument. The Board can also determine *sua sponte* whether an inappropriate new issue has been raised. A motion and conference call are therefore unnecessary.

Coalition requests a conference call to discuss replacing Exhibits 1055 and 1061 because they have been mislabeled as Exhibits 1056 and 1063, respectively. Coalition represents that the only change to the exhibits is the label. Coalition further represents that Biogen does not object to the substitution. The email is made of record as Ex. 3002.

Coalition shall promptly file the two corrected exhibits. The Exhibits shall be marked as Exhibits 1055A and 1061A, respectively. Upon the filing of Exhibits 1055A and 1061A, Exhibits 1055 and 1061 shall be expunged from the record.

Upon consideration of the emails requesting a conference call and for the reasons given, it is

ORDERED that the request for a conference call is *denied*.

FURTHER ORDERED that Biogen's request to file a motion to strike portions of the Coalition's Reply (Paper 46) and evidence (Ex. 1045) is *denied*.

FURTHER ORDERED that Coalition shall promptly file Ex. 1055A and 1061A.

FURTHER ORDERED that upon filing of Ex. 1055A and 1061A, Exhibits 1055 and 1061 shall be expunged.

IPR2015-01993  
Patent 8,399,514 B2

PETITIONER:

James T. Carmichael  
Carol A. Spiegel  
CARMICHAEL IP, PLLC  
[jim@carmichaelip.com](mailto:jim@carmichaelip.com)  
[carol@carmichaelip.com](mailto:carol@carmichaelip.com)

PATENT OWNER:

Michael Flibbert  
Maureen D. Queler  
Erin M. Sommers  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP  
[michael.flibbert@finnegan.com](mailto:michael.flibbert@finnegan.com)  
[maureen.queler@finnegan.com](mailto:maureen.queler@finnegan.com)  
[erin.sommers@finnegan.com](mailto:erin.sommers@finnegan.com)