

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.,
BRECKENRIDGE PHARMACEUTICAL, INC., AND
ROXANE LABORATORIES, INC.,
Petitioners,

v.

NOVARTIS AG,
Patent Owner.

Case IPR2016-00084¹
Patent 5,665,772

Before CHRISTOPHER L. CRUMBLEY, *Administrative Patent Judge*.

ORDER
Modification of Due Date 7
37 C.F.R. § 42.5(c)(1)

¹ Breckenridge Pharmaceutical, Inc. was joined as a party to this proceeding via a Motion for Joinder in IPR2016-01023; Roxane Laboratories, Inc. was joined as a party via a Motion for Joinder in IPR2016-01102.

During a conference call with the Board, the parties advised the panel that counsel for Petitioner Par Pharmaceutical and counsel for Petitioner Breckenridge Pharmaceutical had scheduling conflicts with the January 24, 2017 Due Date 7 (Oral argument, if requested) set in our Scheduling Order (Paper 9). *See* Ex. 1033 (conference call transcript), 8–12. Patent Owner opposed modifying the oral argument date due to potential conflicts with its own counsel’s schedule, but after discussion with the Board the parties agreed to confer further regarding potential alternative dates. *Id.* at 12, 17–19. Following the call, the parties contacted the Board and indicated that a hearing on either February 2 or 3, 2017 would accommodate the schedules of all counsel.

The Board thanks the parties for working together to find a mutually acceptable date, and *grants* the parties’ joint request. The oral argument (if requested by either party) is hereby re-set to February 2, 2017.

In light of the foregoing, it is

ORDERED that the Due Date Appendix of the April 29, 2016 Scheduling Order in these proceedings (Paper 9) is further² modified as follows:

DUE DATE 7 February 2, 2017
Oral argument (if requested)

² The Board previously modified other Due Dates in the Scheduling Order pursuant to a prior request from the parties. Paper 22.

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