

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
MYLAN PHARMACEUTICALS INC.,
BRECKENRIDGE PHARMACEUTICAL, INC., and
ALEMBIC PHARMACEUTICALS, LTD.,
Petitioner,

v.

RESEARCH CORPORATION TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2016-00204¹
Patent RE38,551 E

Before JACQUELINE WRIGHT BONILLA, *Vice Chief Administrative
Patent Judge*, FRANCISCO C. PRATS, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

PRATS, *Administrative Patent Judge*.

ORDER

Lifting Stay of Reexamination Control No. 90/013,709
35 U.S.C. § 315(d) and 37 C.F.R. §§ 42.3, 42.122

¹ Case IPR2016-01101, Case IPR2016-01242, and Case IPR2016-01245
have been joined with this proceeding.

In an Order entered January 25, 2017, the panel stayed Reexamination Control No. 90/013,709, the co-pending *ex parte* reexamination of U.S. Patent No. RE38,551 E (“the ’551 patent”), the patent under challenge herein, “until the until the issuance of the final written decision in this proceeding, or until issuance of the decisions on any requests for rehearing of that decision, should such requests be filed.” Paper 83, 4.

On March 22, 2017, the panel entered a Final Written Decision holding that Argentum Pharmaceuticals LLC (“Petitioner”) had not shown claims 1–13 of the ’551 patent to be unpatentable. Paper 85, 54.

Under 37 C.F.R. § 42.71(d)(2), a party dissatisfied with a final decision of the Board must file its request for rehearing within 30 days. The 30-day deadline for filing a request for rehearing has passed, and neither party has filed such a request. Accordingly, it is now appropriate to lift the stay of Reexamination Control No. 90/013,709.

It is

ORDERED that the stay of Reexamination Control No. 90/013,709 is hereby lifted; and

FURTHER ORDERED that all time periods in Reexamination Control No. 90/013,709 are restarted.

IPR2016-00204
Patent RE38,551 E

For PETITIONER:

Matthew Dowd
mjdowd@dowdpllc.com

Justin Crotty
justincrotty@andrewskurth.com

For PATENT OWNER:

Andrea Reister
areister@cov.com

Jennifer Robbins
jrobbins@cov.com

Enrique Longton
rlongton@cov.com