

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC.,
Petitioner,

v.

INDIVIOR UK LIMITED,
Patent Owner.

Case IPR2016-00280
Patent 8,475,832 B2

Before TONI R. SCHEINER, JACQUELINE WRIGHT BONILLA, and
ZHENYU YANG, *Administrative Patent Judges*.

BONILLA, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

On February 17, 2016, a conference call was conducted between respective counsel for the parties and the panel judges. A court reporter was also present on the call.¹ The parties requested the conference to address issues relating to the filing date accorded to the Petition filed in the instant case.² In particular, during the call, Patent Owner requested that the December 3, 2015 filing date currently accorded to the Petition be changed to December 4, 2015. Patent Owner stated that it did not receive effective service of the Petition and supporting evidence until December 4, 2015, at the earliest. Petitioner confirmed that it did not attempt service before 3 a.m. on December 4, 2015, when it brought boxes of documents to a Federal Express office for mailing. Both parties agreed that an effective filing date of December 4, 2015, for the Petition in this case would implicate a time bar under 35 U.S.C. § 315(b).

During the call, Patent Owner requested authorization to file a motion to change the effective filing date of the Petition to December 4, 2015, and Petitioner opposed. Having heard arguments by both parties on the issue, and upon considering, for example, 37 C.F.R. §§ 42.5(b), 42.20, 42.105, 42.106, we authorize the following briefing: Patent Owner may file a motion requesting that the accorded filing date of the Petition in this case be changed to December 4, 2015. Patent Owner's motion is due 10 days from the entry of this Order. Petitioner may file an opposition to the motion,

¹ Petitioner shall file a copy of a transcript of the call as an exhibit in due course. This Order summarizes statements made during the conference call. A more detailed record may be found in the transcript.

² The conference call also addressed related issues in IPR2016-00281 and IPR2016-00282. A separate order will be issued for those cases.

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which is due 10 days after the filing of Patent Owner's motion. Not inclusive of any declarations or other supporting exhibits, Patent Owner's motion and Petitioner's opposition shall be limited to 10 pages each. A reply is not authorized at this time.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner is authorized to file a motion, limited to 10 pages, requesting the filing date accorded in this case to be changed to December 4, 2015;

FURTHER ORDERED that Patent Owner's motion is due 10 days from the entry of this Order;

FURTHER ORDERED that Petitioner is authorized to file an opposition to the motion, limited to 10 pages; and

FURTHER ORDERED that Petitioner's opposition is due 10 days after the filing of Petitioner's motion.

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