

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMERIGEN PHARMACEUTICALS LIMITED and  
ARGENTUM PHARMACEUTICALS LLC,  
Petitioner,

v.

JANSSEN ONCOLOGY, INC.,  
Patent Owner.

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Case IPR2016-00286<sup>1</sup>  
Patent 8,822,438 B2

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Before LORA M. GREEN, RAMA G. ELLURU, and  
KRISTINA M. KALAN, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

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

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<sup>1</sup> Case IPR2016-01317 has been joined with this proceeding.

In an e-mail to the Board dated January 24, 2017, Patent Owner requested a conference call with the Board to address what Patent Owner believes to be new evidence and arguments provided in Petitioner's Reply, and to discuss seeking relief in the form of a motion to strike, a Patent Owner surreply, or any other relief that the Board may consider appropriate.

The panel has considered Patent Owner's request, and we are unpersuaded that a motion to strike or a Patent Owner surreply is warranted at this juncture. Insofar as Patent Owner would like to make of record those portions of Petitioner's Reply it believes are new arguments, Patent Owner is authorized to file a paper calling the Board's attention to specific portions of Petitioner's Reply that Patent Owner believes raise new arguments. The paper will be in the form of a numbered, itemized list, providing the paper, page, and line number location only, of any portion of Petitioner's Reply that Patent Owner wishes to draw to the Board's attention as alleged new argument. Patent Owner's paper shall not include any substantive arguments. The paper is limited to two (2) pages and must be filed no later than three (3) business days from the date of this order.

We also authorize Petitioner to file a paper in response to Patent Owner's submission. If filed by Petitioner, this paper will identify, corresponding in the same numbering and itemized manner to Patent Owner's list, what Petitioner regards as the material contained in the Patent Owner Response, by paper, page, and line number only, that triggered or caused the Petitioner to include in its Reply each item listed by Patent Owner and/or where each item listed by Patent Owner appears in the Petition, again, by paper, page, and line number only. Petitioner's paper, if filed, also will not contain any substantive arguments. Petitioner's paper is also limited to two

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(2) pages and must be filed, if at all, no later than three (3) business days from the date of Patent Owner's filing.

The Board will consider the information submitted by each party in making the Final Written Decision to determine what weight, if any, is to be given to all of the presented evidence and arguments in accordance with the rules of the Board.

In consideration of the foregoing, it is hereby:

ORDERED that the parties are authorized to file the above-discussed papers consistent with the requirements and deadlines set forth in this Order.

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