

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERIGEN PHARMACEUTICALS LIMITED and
ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

JANSSEN ONCOLOGY, INC.,
Patent Owner.

Case IPR2016-00286¹
Patent 8,822,438 B2

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

¹ Case IPR2016-01317 has been joined with this proceeding.

On February 2, 2017, Petitioner contacted the Board via e-mail to request permission to correct a clerical error associated with Petitioner's Reply, filed January 16, 2017. More specifically, Petitioner stated that the Declaration of DeForest McDuff was inadvertently labeled as Exhibit 1152, whereas it is cited as Exhibit 1096 in Petitioner's Reply. Petitioner requests permission to re-label and file the McDuff Declaration as Exhibit 1096, and expunge Exhibit 1152. Petitioner indicates that Patent Owner objects to the requested correction.

Presently, there is no Exhibit 1096 in the record. Exhibit 1152 is the Declaration of DeForest McDuff, which is also identified in Petitioner's Exhibit List as the same. Petitioner's proposed resolution does not appear to involve more than correction of a clerical error, i.e., the erroneous numbering of an otherwise timely submitted Exhibit. Given the facts of this specific case, and because correction of this error was timely sought, we authorize and direct Petitioner to re-label and file the McDuff Declaration as Exhibit 1096 and file an updated Exhibit List; the current Exhibit 1152 shall be expunged.

ORDER

In consideration of the foregoing, it is:

ORDERED that Petitioner is authorized to file the McDuff Declaration as Exhibit 1096 and file an updated Exhibit List; and

FURTHER ORDERED that the current Exhibit 1152 shall be expunged.

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