

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LOWER DRUG PRICES FOR CONSUMERS, LLC,
Petitioner,

v.

FOREST LABORATORIES HOLDINGS LIMITED,
Patent Owner.

Case IPR2016-00379
Patent 6,545,040

Mailed: January 4, 2016

Before Alexander C. Levy, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION
AND
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for “*inter partes* review,” filed in the above proceeding has been accorded the filing date of December 22, 2015.

A review of the petition identified the following defects:

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Exhibits 1001-53 are labeled improperly with the name “Petitioner” vice the actual name of the petitioner. *See* 37 C.F.R. § 42.63(d). Correction is required. Petitioner may submit a written request to trials@uspto.gov to have these exhibits expunged specifically identifying the exhibit to be expunged (e.g., by the name given to the exhibit in the Patent Review Processing System (PRPS) and/or by the date the exhibit was filed).

Further, Petitioner improper used claim charts in its brief, to include arguments, legal conclusions, claim construction, and more than mere citations to expert declarations. *See* 37 C.F.R. § 42.6(a)(2)(iii). Correction is required.

Petitioners must correct these defects within FIVE BUSINESS DAYS from this notice. Failure to correct the defect may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

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The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>. To file documents, users must first obtain a user ID and password by registering with PRPS. Information regarding how to register with and use PRPS is available at the Board Web site.

If there are any questions pertaining to this notice, please contact Alexander C. Levy at 571-272-0382 or the Patent Trial and Appeal Board at 571-272-7822.

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