

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTELGEX CORPORATION,
Petitioner,

v.

ICOS CORPORATION,
Patent Owner.

Case IPR2016-00678
Patent 6,943,166 B1

Before SHERIDAN K. SNEDDEN, SUSAN L. C. MITCHELL, and
ZHENYU YANG, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

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

IPR2016-00678
Patent 6,943,166 B1

IntelGenX Corporation (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 1–12 of U.S. Patent No. 6,943,166 B1. On September 1, 2016, we denied the Petition. Paper 13 (“Dec.”). On October 3, 2016, Petitioner filed a Request for Rehearing under 37 C.F.R. §42.71. Paper 14.

ICOS Corporation (“Patent Owner”) is hereby authorized to file a responsive brief. The brief shall not exceed ten pages in length, and is limited to addressing Petitioner’s argument that:

[B]ecause the SNDA taught “single doses” per day, Petition at 41, the unit dosage and the maximum daily total were one and the same in the SNDA. Thus, the Petitioner pointed to the size of the “single” dose in the SNDA to account for both the unit dose and the maximum total dose per day.

Id. at 10. Patent Owner is not authorized to file additional supporting evidence, such as declaratory testimony, with the brief.

Accordingly, it is

ORDERED that Patent Owner is authorized to file a brief in response to Petitioner’s Request for Rehearing;

FURTHER ORDERED that the brief shall not exceed ten pages in length and must be filed within ten business days after entry of this Order;

FURTHER ORDERED that no additional supporting evidence is authorized with the brief; and

FURTHER ORDERED that no further briefing is authorized at this time.

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