

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.,
Petitioner,

v.

NOVARTIS AG,
Patent Owner.

Cases IPR2016-00084 and IPR2016-01059
Patent 5,665,772

Before LORA M. GREEN, CHRISTOPHER L. CRUMBLEY, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

CRUMBLEY, *Administrative Patent Judge*.

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

Counsel for Petitioner Par Pharmaceutical, Inc. and Patent Owner
Novartis AG contacted the Board, requesting a conference call to discuss

IPR2016-00084 and IPR2016-01059
Patent 5,665,772

various scheduling issues in these related *inter partes* review proceedings. The panel convened a call on June 1, 2016, attended by Judges Crumbley, Green, and Pollock, as well as counsel for Par and Novartis. Counsel for Breckenridge Pharmaceutical, Inc. (the Petitioner in IPR2016-01023 and IPR2016-01103) and Roxane Laboratories, Inc. (the Petitioner in IPR2016-01102) also attended the call, as both parties have filed Motions seeking joinder of their respective proceedings with IPR2016-00084.

A court reporter was present on the call, and Par agreed to file a copy of the transcript with the Board once received. Par should also provide a copy of the transcript to Breckenridge and Roxane, so that the transcript may be filed in those cases, as well.

During the call, Novartis sought an extension of Due Date 1 in IPR2016-00084, and Par sought a shortening of the deadline for Novartis' Preliminary Response in IPR2016-01059. The details of the parties' arguments will be reflected in the transcript and need not be repeated herein.

Upon hearing the parties' arguments, the Board requested that the parties negotiate amongst themselves regarding the various scheduling issues, in the hope of reaching resolution without the Board's involvement. The parties were reminded that they may stipulate to different dates for Due Dates 1–5 as set forth in our Scheduling Order in the instituted IPR2016-00084, and that Novartis could file its Preliminary Responses before the regulatory three-month deadline if the parties agree to expedite IPR2016-01023, IPR2016-01059, IPR2016-01102, and IPR2016-01103.

In light of the foregoing, it is

ORDERED that the parties shall engage in a meaningful meet and confer to resolve the scheduling issues raised during the call; and

FURTHER ORDERED that, within five business days of this Order, the parties will either: (1) notify the Board that they have reached agreement; or (2) request another conference call with the panel to resolve any remaining issues.

IPR2016-00084 and IPR2016-01059
Patent 5,665,772

FOR PETITIONER:

Daniel Brown
Daniel.Brown@lw.com
Robert Steinberg
Bob.Steinberg@lw.com
Jonathan M. Strang
jonathan.strang@lw.com
LATHAM & WATKINS LLP

FOR PATENT OWNER:

Nicholas N. Kallas
nkallas@fchs.com
Raymond Mandra
rmandra@fchs.com
ZortressAfinitorIPR@fchs.com
FITZPATRICK, CELLA, HARPER & SCINTO