

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS
USA, INC., and AKORN INC.

Petitioners,

v.

ALLERGAN, INC.,

Patent Owner.

Case IPR2016-01127 (8,685,930 B2)

Case IPR2016-01128 (8,629,111 B2)

Case IPR2016-01129 (8,642,556 B2)

Case IPR2016-01130 (8,633,162 B2)

Case IPR2016-01131 (8,648,048 B2)

Case IPR2016-01132 (9,248,191 B2)¹

Before SHERIDAN K. SNEDDEN, TINA E. HULSE, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

¹ This order addresses issues that are the same in the identified cases. We exercise our discretion to issue one order to be filed in each case. The parties are authorized to use this style heading when filing a single paper in each proceeding, provided that such heading includes a footnote attesting that “the word-for-word identical paper is filed in each proceeding identified in the heading.”

IPR2016-01127 (8,685,930 B2); IPR2016-01128 (8,629,111 B2);
IPR2016-01129 (8,642,556 B2); IPR2016-01130 (8,633,162 B2);
IPR2016-01131 (8,648,048 B2); IPR2016-01132 (9,248,191 B2)

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

A conference call was held on May 15, 2017, between respective counsel for Petitioners and Patent Owner, and Judges Snedden, Hulse and Paulraj. Petitioners requested the conference call to seek authorization to file a motion for discovery. *See* 37 C.F.R. § 42.51. In particular, in an email correspondence sent to the Board, Petitioners represented that they seek “the data underlying the study results it and its witnesses rely upon to establish criticality of, and unexpected results for, the claimed combination of cyclosporin A and castor oil.”

Patent Owner opposed Petitioners’ request, arguing, *inter alia*, that Petitioners’ request is overly burdensome to answer and that Petitioners have failed to articulate why the requested information is relevant. 35 U.S.C. § 316(a)(5).

Upon consideration of the parties’ arguments, we determined that briefing on the matter is warranted for us to determine if it is in the interests of justice to allow the requested discovery in order for Petitioners to develop fully its rebuttal to Patent Owner’s Response. Therefore, Petitioners are authorized to file a single motion for additional discovery, and Patent Owner is permitted to file an opposition to that motion.

Accordingly, it is hereby:

ORDERED that Petitioners are authorized to file a motion for additional discovery under 37 C.F.R. § 42.51 no later than May 18, 2017.

IPR2016-01127 (8,685,930 B2); IPR2016-01128 (8,629,111 B2);
IPR2016-01129 (8,642,556 B2); IPR2016-01130 (8,633,162 B2);
IPR2016-01131 (8,648,048 B2); IPR2016-01132 (9,248,191 B2)

The motion is limited to 7 pages.

FURTHER ORDERED that Patent Owner is authorized to file an opposition to Petitioners' motion for additional discovery no later than May 23, 2017. The opposition is limited to 7 pages.

FURTHER ORDERED that no reply brief is authorized at this time.

PETITIONER:

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