

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MYLAN PHARMACEUTICALS INC.,  
Petitioner,

v.

ALLERGAN, INC.,  
Patent Owner.

---

Case IPR2016-01127 (US 8,685,930 B2)  
Case IPR2016-01128 (US 8,629,111 B2)  
Case IPR2016-01129 (US 8,624,556 B2)  
Case IPR2016-01130 (US 8,633,162 B2)  
Case IPR2016-01131 (US 8,648,048 B2)  
Case IPR2016-01132 (US 9,248,191 B2)<sup>1</sup>

---

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

HULSE, *Administrative Patent Judge*.

SCHEDULING ORDER  
*37 C.F.R. § 42.5*

---

<sup>1</sup> This order addresses issues that are common to the above-referenced cases. We, therefore, issue a single order that has been entered in each case. The parties may use this style caption when filing a single paper in multiple proceedings, provided that such caption includes a footnote attesting that “the word-for-word identical paper is filed in each proceeding identified in the caption.”

IPR2016-01127 (US 8,685,930 B2); IPR2016-01128 (US 8,629,111 B2);  
IPR2016-01129 (US 8,624,556 B2); IPR2016-01130 (US 8,633,162 B2);  
IPR2016-01131 (US 8,648,048 B2); IPR2016-01132 (US 9,248,191 B2)

#### A. REQUEST FOR AN INITIAL CONFERENCE CALL

Unless at least one of the parties requests otherwise, we will not conduct an initial conference call as described in the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,765–66 (Aug. 14, 2012). **The parties must request an initial conference call if either party is aware of any conflicts or concerns with DUE DATE 7 set forth in the Appendix of this Scheduling Order.** Any request for an initial conference call must be made no later than 25 days after the institution of trial and must comply with Section A of the Standing Order (Paper 9).

#### B. DUE DATES

This order sets due dates for the parties to take action after institution of the proceeding. The parties may stipulate to different dates for DUE DATES 1 through 5 (earlier or later, but no later than DUE DATE 6). A notice of the stipulation, specifically identifying the changed due dates, must be promptly filed. The parties may not stipulate to an extension of DUE DATES 6 and 7. Due to scheduling constraints, such as hearing room availability, the parties must request a conference call with the panel if there are any conflicts that arise with DUE DATE 7 as soon as practicable, which will be modified only upon a showing of good cause.

In stipulating to different times, the parties should consider the effect of the stipulation on times to object to evidence (37 C.F.R. § 42.64(b)(1)), to supplement evidence (37 C.F.R. § 42.64(b)(2)), to conduct cross-examination (37 C.F.R. § 42.53(d)(2)), and to draft papers depending on the evidence and cross-examination testimony.

IPR2016-01127 (US 8,685,930 B2); IPR2016-01128 (US 8,629,111 B2);  
IPR2016-01129 (US 8,624,556 B2); IPR2016-01130 (US 8,633,162 B2);  
IPR2016-01131 (US 8,648,048 B2); IPR2016-01132 (US 9,248,191 B2)

*1. DUE DATE 1*

The patent owner may file—

- a. A response to the petition (37 C.F.R. § 42.120), and
- b. A motion to amend the patent (37 C.F.R. § 42.121).

The patent owner must file any such response or motion to amend by DUE DATE 1. If the patent owner elects not to file anything, the patent owner must arrange a conference call with the parties and the Board. The patent owner is cautioned that any arguments for patentability not raised in the response will be deemed waived.

*2. DUE DATE 2*

The petitioner must file any reply to the patent owner's response and opposition to the motion to amend by DUE DATE 2.

*3. DUE DATE 3*

The patent owner must file any reply to the petitioner's opposition to patent owner's motion to amend by DUE DATE 3.

*4. DUE DATE 4*

- a. Each party must file any motion for an observation on the cross-examination testimony of a reply witness by DUE DATE 4.
- b. Each party must file any motion to exclude evidence (37 C.F.R. § 42.64(c)) by DUE DATE 4.
- c. Each party must file any request for oral argument (37 C.F.R. § 42.70(a)) by DUE DATE 4. In its request, the parties may state a preference for the location of the oral argument at either

IPR2016-01127 (US 8,685,930 B2); IPR2016-01128 (US 8,629,111 B2);  
IPR2016-01129 (US 8,624,556 B2); IPR2016-01130 (US 8,633,162 B2);  
IPR2016-01131 (US 8,648,048 B2); IPR2016-01132 (US 9,248,191 B2)

the USPTO's Headquarters in Alexandria, Virginia or the  
Silicon Valley Office in San Jose, California.

5. *DUE DATE 5*

- a. Each party must file any response to a party's observations on cross-examination testimony by DUE DATE 5.
- b. Each party must file any opposition to a motion to exclude evidence by DUE DATE 5.

6. *DUE DATE 6*

Each party must file any reply to an opposition to a motion to exclude evidence by DUE DATE 6.

7. *DUE DATE 7*

The oral argument (if requested by either party) is set for DUE DATE 7.

IPR2016-01127 (US 8,685,930 B2); IPR2016-01128 (US 8,629,111 B2);  
IPR2016-01129 (US 8,624,556 B2); IPR2016-01130 (US 8,633,162 B2);  
IPR2016-01131 (US 8,648,048 B2); IPR2016-01132 (US 9,248,191 B2)

## DUE DATE APPENDIX

DUE DATE 1 .....March 2, 2017

Patent owner's response to the petition

Patent owner's motion to amend the patent

DUE DATE 2 .....May 25, 2017

Petitioner's reply to patent owner's response to petition

Petitioner's opposition to motion to amend

DUE DATE 3 .....June 22, 2017

Patent owner's reply to petitioner's opposition to motion to amend

DUE DATE 4 .....July 13, 2017

Motion for observation regarding cross-examination of reply witness

Motion to exclude evidence

Request for oral argument

DUE DATE 5 .....July 27, 2017

Response to observation

Opposition to motion to exclude

DUE DATE 6 .....August 3, 2017

Reply to opposition to motion to exclude

DUE DATE 7 .....August 17, 2017

Oral argument (if requested)

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.