

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)¹

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

¹ 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.”

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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.

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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

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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.

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DUE DATE APPENDIX

DUE DATE 1March 2, 2017

Patent owner's response to the petition

Patent owner's motion to amend the patent

DUE DATE 2May 25, 2017

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

Petitioner's opposition to motion to amend

DUE DATE 3June 22, 2017

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

DUE DATE 4July 13, 2017

Motion for observation regarding cross-examination of reply witness

Motion to exclude evidence

Request for oral argument

DUE DATE 5July 27, 2017

Response to observation

Opposition to motion to exclude

DUE DATE 6August 3, 2017

Reply to opposition to motion to exclude

DUE DATE 7August 17, 2017

Oral argument (if requested)

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