

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KOIOS PHARMACEUTICALS LLC  
Petitioner

v.

MEDAC GESELLSCHAFT FUER KLINISCHE SPEZIALPRÄPARATE  
MBH  
Patent Owner.

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Case IPR2016-01370  
Patent 8,644,231

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Mailed: August 10, 2016

Before Steven M. Amitrani, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION  
AND  
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for *inter partes* review in the above proceeding has been accorded the filing date of July 20, 2016.

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A review of the petition identified the following defect(s):

The Exhibit List jumps from 1029 to 1031; there is no Exhibit 1030 in PTABE2E or on the list. Also, Exhibit 1037 is listed in PTABE2E, but it is not included on the Exhibit List. Moreover, the “Certificate of Word Count” indicates the total words in the Petition does not include the “Grounds for Standing”; this is no longer exempt from the word count. *See* 37 C.F.R. § 42.24(a)(1); Amendments to the Rules of Practice for Trials Before the Patent Trial and Appeal Board; Correction, 81 Fed. Reg. 24,702, 24, 703 (Apr. 27, 2016).

Correction is required. Petitioner may submit a written request to [Trials@uspto.gov](mailto:Trials@uspto.gov) to have any incorrect exhibits expunged by specifically identifying the exhibit to be expunged (i.e., by exhibit name and/or the date the exhibit was filed).

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

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Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in Patent Trial and Appeal Board End to End (PTAB E2E), accessible from the Board Web site at <http://www.uspto.gov/PTAB>. To file documents, users must register with PTAB E2E. Information regarding how to register with and use PTAB E2E is available at the Board Web site.

If there are any questions pertaining to this notice, please contact Steven Amitrani at 571-270-5937 or the Patent Trial and Appeal Board at 571-272-7822.

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**NOTICE CONCERNING ALTERNATIVE DISPUTE RESOLUTION  
(ADR)**

The Patent Trial and Appeal Board (PTAB) strongly encourages parties who are considering settlement to consider alternative dispute resolution as a means of settling the issues that may be raised in an AIA trial proceeding. Many AIA trials are settled prior to a Final Written Decision. Those considering settlement may wish to consider alternative dispute resolution techniques early in a proceeding to produce a quicker, mutually agreeable resolution of a dispute or to at least narrow the scope of matters in dispute. Alternative dispute resolution has the potential to save parties time and money.

Many non-profit organizations, both inside and outside the intellectual property field, offer alternative dispute resolution services. Listed below are the names and addresses of several such organizations. The listings are provided for the convenience of parties involved in cases before the PTAB; the PTAB does not sponsor or endorse any particular organization's alternative dispute resolution services. In addition, consideration may be given to utilizing independent alternative dispute resolution firms. Such firms may be located through a standard keyword Internet search.

<b>CPR INSTITUTE FOR DISPUTE RESOLUTION</b>	<b>AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION (AIPLA)</b>	<b>AMERICAN ARBITRATIO N ASSOCIATIO N (AAA)</b>	<b>WORLD INTELLECTUA L PROPERTY ORGANIZATI ON (WIPO)</b>	<b>AMERICAN BAR ASSOCIATION (ABA)</b>
Telephone: (212) 949-6490	Telephone: (703) 415-0780	Telephone: (212) 484-3266	Telephone: 41 22 338 9111	Telephone : (202) 662-1000
Fax: (212) 949-8859	Fax: (703) 415-0786	Fax: (212) 307-4387	Fax: 41 22 733 5428	N/A
575 Lexington Ave New York, NY 10022	241 18th Street, South, Suite 700 Arlington, VA 22202	140 West 51st Street New York, NY 10020	34, chemin des Colombettes CH-1211 Geneva 20, Switzerland	1050 Connecticut Ave, NW Washington D.C. 20036
<a href="http://www.cpradr.org">www.cpradr.org</a>	<a href="http://www.aipla.org">www.aipla.org</a>	<a href="http://www.adr.org">www.adr.org</a>	<a href="http://www.wipo.int">www.wipo.int</a>	<a href="http://www.americanbar.org">www.americanbar.org</a>

If parties to an AIA trial proceeding consider using alternative dispute resolution, the PTAB would like to know whether the parties ultimately decided to engage in alternative dispute resolution and the reasons why or why not. If the parties actually engage in alternative dispute resolution, the PTAB would be interested to learn what mechanism (e.g., arbitration,

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