

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS, INC.,
Petitioner,

v.

BAYER INTELLECTUAL PROPERTY GMBH,
Patent Owner.

Case IPR2017-00041 (Patent 7,157,456 B2)
Case IPR2017-00042 (Patent 7,585,860 B2)
Case IPR2017-00043 (Patent 7,592,339 B2)¹

Before JACQUELINE WRIGHT BONILLA, *Vice Chief Administrative Patent Judge*, TINA E. HULSE, and ROBERT A. POLLOCK, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

ORDER

Dismissing the Petitions
37 C.F.R. §§ 42.5(a), 42.71(a)

¹ This Order addresses issues that are common to each of the above-referenced cases. We, therefore, issue a single Order that has been entered in each case. The parties are not authorized to use this style caption unless otherwise instructed by the Board.

IPR2017-00041 Patent 7,157,456 B2; IPR2017-00042 Patent 7,585,860 B2;
IPR2017-00043 Patent 7,592,339 B2

On March 28, 2017, pursuant to Board authorization, Petitioner Mylan Pharmaceuticals, Inc., filed an Unopposed Motion to Terminate Proceeding in each of the above-referenced cases. Paper 10.² In accord with the paper captions, Petitioner avers that Patent Owner Bayer Intellectual Property GmbH does not oppose the Motions. *Id.* at 1.

Petitioner indicates that there are no settlements or agreements between the parties as to any of the cases, and, therefore, no separate papers have been filed with the Board with its requests for termination. *Id.* at 2.

These cases are in an early stage and the panel has not rendered a decision on institution in any of the cases. Based on the facts of these cases, it is appropriate to dismiss the cases. Therefore, Petitioner's unopposed motions are GRANTED.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's unopposed motions to terminate IPR2017-00041, IPR2017-00042, and IPR2017-00043 are GRANTED; and FURTHER ORDERED that the cases are DISMISSED.

² Paper numbers refer to those filed in IPR2017-00041. Similar papers were filed in the other cases.

IPR2017-00041 Patent 7,157,456 B2; IPR2017-00042 Patent 7,585,860 B2;
IPR2017-00043 Patent 7,592,339 B2

PETITIONER:

Steven W. Parmelee

Michael T. Rosato

Jad A. Mills

WILSON SONSINI GOODRICH & ROSATI

sparmelee@wsgr.com

mrosato@wsgr.com

jmills@wsgr.com

PATENT OWNER:

Dov P. Grossman

Galina I. Fomenkova

WILLIAMS & CONNOLLY LLP

dgrossman@wc.com

gfomenkova@wc.com