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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/405,171	01/12/2017	Yoshiyuki Tatsumi	12102.0003-00000	1590
22852	7590	09/05/2017	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			RAILEY, JOHNNY F	
			ART UNIT	PAPER NUMBER
			3991	
			NOTIFICATION DATE	DELIVERY MODE
			09/05/2017	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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regional-desk@finnegan.com

ACRUX DDS PTY LTD. et al.
EXHIBIT 1667
IPR Petition for
U.S. Patent No. 7,214,506

PTOL 80A (Rev. 04/07)



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
15/405,171	12 January, 2017	TATSUMI ET AL.	12102.0003-00000

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413	EXAMINER	
	MICHAEL FUELLING	
	ART UNIT	PAPER
	3992	20170831

DATE MAILED:

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Commissioner for Patents

Action by the Office in this application is suspended in view of the Patent Trial and Appeal Board's stay Order in IPR2017-00190.

/MICHAEL FUELLING/
Supervisory Patent Examiner, Art Unit 3992

PTO-90C (Rev.04-03)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACRUX DDS PTY LTD. & ACRUX LIMITED,
Petitioner,

v.

KAKEN PHARMACEUTICAL CO., LTD. and VALEANT
PHARMACEUTICALS INTERNATIONAL, INC.,
Patent Owner and Licensee.

Case IPR2017-00190
Patent 7,214,506 B2

Before ERICA A. FRANKLIN, SUSAN L. C. MITCHELL, and
ROBERT A. POLLOCK *Administrative Patent Judges*.

MITCHELL, *Administrative Patent Judge*.

ORDER

Stay of Reissue Application No. 15/405,171
37 C.F.R. 42.3(a); 37 C.F.R. § 4.122(a)

Before institution of the instant *inter partes* proceeding, Kaken Pharmaceutical Co., Ltd. and Valeant Pharmaceuticals International, Inc. (collectively, “Petitioner”) requested authorization to file a motion to stay Reissue Application No. 15/405,171 (“the ’171 Reissue Application”), which involves that patent at issue here, U.S. Patent No. 7,214,506 (“the ’506 Patent”). Paper 11, 2. At that time, we agreed with Patent Owner that a motion for a stay of the reissue proceeding would be premature, but invited Petitioner to renew its request to file a motion to stay should an *inter partes* review be instituted. *Id.* at 3.

On May 1, 2017, we instituted an *inter partes* review of claims 1 and 2 of the ’506 Patent based on six grounds. Paper 12, 24. Petitioner renewed its request for authorization to file a motion for a stay, and we granted such authorization. Paper 16, 2. Petitioner filed its Motion to Stay Related Reissue Proceeding, which Patent Owner opposed. Papers 19, 21, 22. For the reasons stated below, the Board exercises its discretion to stay examination of the ’171 Reissue Application.

DISCUSSION

The Director has authority to stay a reissue proceeding pursuant to 35 U.S.C. § 315(d), which provides:

(d) MULTIPLE PROCEEDINGS.— Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of an *inter partes* review, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the *inter partes* review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding.

37 C.F.R. § 42.122 permits the Board to enter an order to effect a stay as follows:

IPR2017-00190
Patent 7,214,506 B2

(a) *Multiple Proceedings*. Where another matter involving the patent is before the Office, the Board may during the pendency of the *inter partes* review enter any appropriate order regarding the additional matter including providing for the stay, transfer, consolidation, or termination of any such matter.

37 C.F.R. § 42.122(a); *see also* 37 C.F.R. § 42.3 (providing the Board authority to exercise exclusive jurisdiction within the Office over an involved application and patent during the proceeding).

As Patent Owner correctly points out, ordinarily we will not stay a reissue application unless good cause is shown because reissue applications are accorded special status. *See Bio-Rad Labs., Inc. v. GE Healthcare Bio-Sciences AB*, Case IPR2015-01826, slip op. at 2–3 (PTAB April 8, 2016) (paper 18) (citing MPEP § 1442). In this case, however, Petitioner has shown good cause to stay the reissue application.

A stay may be warranted to avoid duplicating efforts in the Office, to avoid potentially inconsistent results, or to simplify the issues in a reissue application. *See Hewlett-Packard Co. v. MCM Portfolio LLC, Case*, Case IPR2013-00217, slip op. at 2–3 (PTAB May 10, 2013) (paper 8). Here all three reasons support staying prosecution of the reissue application.

As Petitioner points out and Patent Owner agrees, reissue claims 1 and 2 are essentially identical to claims 1 and 2, respectively, of the '506 patent at issue in this proceeding. Paper 19, 2; Paper 21, 2 (stating “[o]nly claims 1 and 2 are substantively identical to the two claims at issue in this IPR). Proceeding with concurrent examination of the '171 Reissue Application and this *inter partes* review would duplicate the efforts of the Office at least as to claims 1 and 2 involved in each proceeding and could potentially result in inconsistencies between the two proceedings. Also, any final written

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