

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN TECHNOLOGIES, INC.,
Petitioner,

v.

MONOSOL RX, LLC,
Patent Owner.

Case IPR2017-00200
Patent 8,603,514 B2

Before ERICA A. FRANKLIN, TINA E. HULSE, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

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A combined conference call was held by Judges Franklin, Hulse, and Paulraj to address issues relating to motions filed in three different cases challenging claims in U.S. Patent 8,603,514 B2 (“the ’514 patent”). Participating in the conference were counsel for Mylan Technologies, Inc. (petitioner in IPR2017-00200) (“Mylan”), Par Pharmaceutical, Inc. and Intelgenx Corp. (petitioner in IPR2017-01557) (collectively, “Par”), Dr. Reddy’s Laboratories S.A. and Dr. Reddy’s Laboratories, Inc. (petitioner in IPR2017-01582) (collectively, “Dr. Reddy’s”), and MonoSol Rx, LLC (patent owner in each proceeding) (“Monosol”). Counsel for each party consented to the combined nature of the call. Counsel for Patent Owner Monosol Rx, LLC arranged for a court reporter and agreed to file the transcript of the call upon its availability.

The conference call was prompted by a Joint Motion to Terminate the proceeding in the -00200 IPR, filed, with our authorization, by Mylan and Monosol. Par and Dr. Reddy’s seek to have their petitions and Motions to Join the -00200 IPR, filed in the -01557 and -01582 IPRs, respectively, decided before we decide the Joint Motion to Terminate in the -00200 IPR. Monosol objects and seeks to avoid any further delay in having the Joint Motion to Terminate decided. Mylan’s interest is only to have its Joint Motion to Terminate granted at some point. During the call, each party had an opportunity to further explain those positions.

Significantly, Par and Dr. Reddy’s petitions would be time-barred without joinder to the -00200 IPR. *See* 42 C.F.R. ¶ 42.122 (b). However, filing a petition accompanied by a request for joinder does not guarantee that the petition will be instituted, or that joinder will be granted. Further, there is no guarantee that such filings will be considered prior to a termination of

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the proceeding sought to be joined.

After considering the positions of the parties and the circumstances involved, we decline to authorize Par and Dr. Reddy to file an opposition to the Motion to Terminate in a proceeding to which they are not a party. We also decline their request to hold in further abeyance our decision regarding the Joint Motion to Terminate in the -00200 IPR. Similarly, we deny Monosol's request to belatedly file an opposition to the Motion for Joinder in the -01557 IPR, or a surreply to the Motion for Joinder in -01582.

Accordingly, it is hereby:

ORDERED that Par and Dr. Reddy's are not authorized to file an opposition to the Motion to Terminate in IPR2017-00200;

FURTHER ORDERED that the request by Par and Dr. Reddy's to hold in abeyance the decision on the Joint Motion to Terminate in IPR2017-00200 is denied;

FURTHER ORDERED that Monosol is not authorized to file an opposition to the Motion for Joinder in IPR2017-01557, or a surreply to the Motion for Joinder in IPR2017-01582.

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