
From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, September 26, 2017 9:26 AM
To: Parezo, Jessica; Trials
Cc: Mylan-WC-IPR@kilpatricktownsend.com; 'Stockwell, Mitch'; 'Holloway, Clay'; 'Olinger, Jonathan'; mrogers@kilpatricktownsend.com; Reister, Andrea; Kamholz, Scott; Kennedy, Michael; Keane, Megan; maa@bskb.com; Herzbach, Lynde
Subject: RE: IPR2017-00203: Request for Conference

Counsel:

A conference call with the Board is not necessary at this time. Patent Owner's request for authorization to file a motion to strike is denied.

Regarding item (1), we authorize Patent Owner to file, by October 6, 2017, a 3-page paper, identifying (by page and line number) each passage of Petitioner's Reply that Patent Owner contends exceeds the scope permitted under 37 C.F.R. § 42.23(b) and providing a brief explanation for each contention. We authorize Petitioner to file, by October 13, 2017, a 3-page response, including, for each passage listed in Patent Owner's paper, a brief explanation of how the Reply argument is supported by the Petition and/or responsive to an argument in the Response, including citations (by page and line number) to the Petition and/or Response.

Regarding items (2) – (4), Patent Owner and Petitioner shall meet and confer and agree on a remedy, which may include an agreement that Petitioner may file a corrected Reply that complies with the word limit (which we hereby authorize). Any such corrected Reply shall be filed no later than September 29, 2017, and the papers authorized above shall address the corrected Reply, rather than the original Reply. If Patent Owner and Petitioner cannot agree regarding item (3), then this issue may be addressed in the papers authorized above.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
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Direct: 571-272-5366

From: Parezo, Jessica [mailto:jparezo@cov.com]
Sent: Monday, September 25, 2017 10:04 AM
To: Trials <Trials@USPTO.GOV>
Cc: Mylan-WC-IPR@kilpatricktownsend.com; 'Stockwell, Mitch' <MStockwell@kilpatricktownsend.com>; 'Holloway, Clay' <CHolloway@kilpatricktownsend.com>; 'Olinger, Jonathan' <JOlinger@kilpatricktownsend.com>; mrogers@kilpatricktownsend.com; Reister, Andrea <areister@cov.com>; Kamholz, Scott <SKamholz@cov.com>; Kennedy, Michael <MKennedy@cov.com>; Keane, Megan <mkeane@cov.com>; maa@bskb.com; Herzbach, Lynde <Lynde.Herzbach@bskb.com>
Subject: IPR2017-00203: Request for Conference

Dear PTAB:

Patent Owner in IPR2017-00203 requests a conference with the Board to seek authorization to file a motion to strike Petitioner's Reply (Paper 38) on the following grounds:

(1) exceeding the scope permitted under 37 C.F.R. § 42.23(b),

(2) untimeliness, for omitting the updated exhibit list required by 37 C.F.R. § 42.63(e) (Petitioner has never once updated their exhibit list despite being repeatedly required to do so),
(3) exceeding the word limit set by 37 C.F.R. § 42.24(c)(1), and
(4) violating the stipulated protective order (Ex. 2073) by failing to provide confidentiality acknowledgments from each person with access to Patent Owner's confidential exhibits.

The parties have met and conferred regarding the issues. Counsel for the parties are available for a conference on Wednesday, September 27, 2017 at a time convenient to the Board. Counsel for Petitioner is copied on this communication.

Respectfully,

Jessica Parezo

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