

APOTEX INC., APOTEX CORP.,
ARGENTUM PHARMACEUTICALS LLC,
ACTAVIS ELIZABETH LLC, TEVA PHARMACEUTICALS USA, INC.,
SUN PHARMACEUTICAL INDUSTRIES, LTD.,
SUN PHARMACEUTICAL INDUSTRIES, INC., and
SUN PHARMA GLOBAL FZE,
Petitioners,

v.

NOVARTIS AG.,
Patent Owner.

Case IPR2017-00854¹
Patent US 9,187,405 B2

Before CHRISTOPHER M. KAISER and ROBERT A. POLLOCK,
Administrative Patent Judges.

POLLOCK, *Administrative Patent Judge.*

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

¹ Cases IPR2017-01550, IPR2017-01946, and IPR2017-01929 have been joined with this proceeding.

Patent Owner seeks guidance regarding how to address a typographical error in its Motion to Amend, filed November 13, 2017 (Paper 28). Ex. 3005 (email communication dated March 7, 2018). Patent Owner has provided us with a redlined version of a corrected motion (Ex. 3006) and an email string relating to the parties' discussion of possible remedies (Ex. 3007). Petitioner responded with an email dated that same day (Ex. 3008), attaching an updated email string of the parties' correspondence (Ex. 3009). Despite extensive correspondence, the parties have been unable to agree on how to incorporate a correction of the error into the briefing schedule.

The error in Patent Owner's Motion to Amend comprises a substitution of the numeral "2" instead of "3" in the formula for the chemical compound covered by the '405 Patent. As we understand the issue, Patent Owner became aware of the error upon reading Petitioner's February 22, 2018 Opposition to Patent Owner's Motion to Amend. *See e.g.*, Paper 51, 9–10 (addressing Patent Owner's proposed substitute claim). We are surprised that Petitioner did not notify Patent Owner of this clear typographical error prior to filing its Opposition. Nevertheless, to maintain clarity of the record, and conserve the Board's resources, we authorize Patent Owner to file its corrected Motion to Amend no later than the close of the next business day. Petitioner may file a corrected Opposition to that motion within two weeks of Patent Owner's submission, or on such date the parties may negotiate between themselves. Parties are reminded that they may stipulate to alterations to DUE DATES 1–5 absent Board authorization.

SO ORDERED.

IPR2017-00854
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