

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRECKENRIDGE PHARMACEUTICAL, INC.,
Petitioner,

v.

NOVARTIS PHARMACEUTICALS CORP.,
Patent Owner.

Case IPR2017-01592
Patent 8,410,131 B2

Before ROBERT A. POLLOCK, and JACQUELINE T. HARLOW,
Administrative Patent Judges.

POLLOCK, *Administrative Patent Judge.*

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

In our January 3, 2018, Decision on Institution, we authorized Petitioner “to file as supplemental information, one or more declarations explaining the relevance of the documents appended to the Luan abstract.” Dec. 35 (referencing Ex. 1005). Any such declarations were due by January 18, 2018. *See id.*

By email correspondence dated January 22, 2018, Petitioner requests permission to file a motion seeking authorization to file the Declaration of Fu. L. Luan, M.D. after the deadline set by this panel. Ex. 3002. According to Petitioner, the proposed “declaration specifically addresses the publication date issue of the Luan Abstract” and, thus, would appear to fall within the spirit of the authorization granted in the Decision. *Id.*; *see* Dec. 22–23, 35. By email dated that same day, Patent Owner opposes the request. Ex. 3002.

Given the importance of establishing the publication date of the Luan abstract to several of Petitioner’s contentions, we will excuse Petitioner’s failure to timely file a declaration by the abstract’s author directed to this point. Accordingly, Petitioner may file the Declaration of Fu. L. Luan, M.D. no later than the close of business on January 24, 2018. No further extensions will be granted.

SO ORDERED.

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