

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEST-WARD PHARMACEUTICALS INTERNATIONAL LIMITED
Petitioner,

v.

NOVARTIS PHARMACEUTICALS CORP.,
Patent Owner.

Case IPR2017-01592¹
Patent 8,410,131 B2

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

POLLOCK, *Administrative Patent Judge.*

ORDER

Adjusting One-Year Pendency Due to Joinder
35 U.S.C. § 316(a)(11); 37 C.F.R § 42.100(c)

¹ IPR2018-00507 has been joined to this proceeding. Paper 29, 6–7.

I. INTRODUCTION

Breckenridge Pharmaceutical, Inc. (“Breckenridge”) filed a Petition for an *inter partes* review of claims 1–3 and 5–9 of U.S. Patent No. 8,410,131 B2. Paper 1. On January 3, 2018, we instituted trial with respect to all challenged claims. Paper 12, 35. We subsequently joined Petitioner West-Ward Pharmaceuticals International, Inc. from proceeding IPR2018-00507 to the present proceeding. Paper 29, 6–7. Breckenridge and Patent Owner later filed a Joint Motion to Terminate IPR as to Breckenridge (Paper 52), which we granted (Paper 57, 4).

Pursuant to 35 U.S.C. § 316(a)(11), “the final determination in an *inter partes* review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director . . . may adjust the time periods in this paragraph in the case of joinder under section 315(c).” The Director has delegated the authority to adjust the one-year period to the Board. *See* 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides:

An *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be . . . adjusted by the Board in the case of joinder.

In accordance with 37 C.F.R. § 42.100(c), the Board adjusts the time of pendency before the Board in the present proceeding, which involves joinder, by six months to permit the Board to consider and determine the pending issues. The

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Board shall issue a Final Written Decision in this proceeding no later than June 3, 2019.

It is
ORDERED that the time of pendency in this proceeding, which involves
joinder, is adjusted by six months; and
FURTHER ORDERED that the Board shall issue a Final Written Decision
in this proceeding no later than July 3, 2019.

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