

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-02031
Case IPR2017-02032
Patent 6,407,213 B1¹

Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

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

¹ This Order addresses issues that are common to each of the above-referenced cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style of heading.

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On March 29, 2018, we instituted *inter partes* review on a subset of grounds set forth in the Petition. Paper 19, 24–25.² On May 19, 2018 we instituted *inter partes* review on six additional grounds in view of *SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348 (2018) and Office Guidance on the Impact of SAS on AIA Trial Proceedings (<https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/trials/guidance-impact-sas-aia-trial>). Paper 25. We further instructed parties “to confer to determine whether they desire any changes to the schedule not authorized by stipulation under the scheduling order in this case or any further briefing, and, if so, shall request a conference call with the panel to seek authorization for such changes.” *Id.* at 5.

By email dated May 17, 2018, the parties jointly proposed a revised schedule, including a postponement of Due Dates 6 and 7. Paper 3001. The panel finds this proposal acceptable.

Accordingly, it is

ORDERED that the following Due Dates shall apply to IPR2017-02031 and IPR2017-02032:

DUE DATE 1August 7, 2018

Patent owner’s response to the petition

Patent owner’s motion to amend the patent

DUE DATE 2 October 30, 2018

Petitioner’s reply to patent owner’s response to petition

² For convenience, we cite to IPR2017-02031.

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Petitioner's opposition to motion to amend

DUE DATE 3 November 27, 2018

Patent owner's reply to petitioner's opposition to motion
to amend

DUE DATE 4 December 18, 2018

Observations regarding cross-examination of reply witness

Motion to exclude evidence

Request for oral argument

DUE DATE 5 January 2, 2019

Response to observations

Opposition to motion to exclude

DUE DATE 6 January 9, 2019

Reply to opposition to motion to exclude

DUE DATE 7 January 24, 2019

Oral argument (if requested).

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