

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

HORIZON PHARMA USA, INC. and NUVO PHARMACEUTICALS
(IRELAND) DESIGNATED ACTIVITY COMPANY,
Patent Owners.

Case IPR2018-00272¹
Patent 9,393,208 B2

Before TONI R. SCHEINER, MICHELLE N. ANKENBRAND, and
DEBRA L. DENNETT, *Administrative Patent Judges*.

DENNETT, *Administrative Patent Judge*.

ORDER
Adjusting One-Year Pendency Due to Joinder
37 C.F.R. §§ 42.71(a), 42.72

¹ Petitioner Dr. Reddy's Laboratories, Inc. ("Dr. Reddy's"), from IPR2018-01341 has been joined as a Petitioner to this proceeding.

Numerous delays have beset the present proceeding since our Decision Instituting *Inter Partes* Review on June 14, 2018 (Paper 9). One of the original Patent Owners filed a Suggestion of Bankruptcy with the Board on August 28, 2018 (Paper 12). Thereafter, we suspended all deadlines in this proceeding pending resolution of the bankruptcy proceeding (Paper 13). The bankruptcy court entered a sale order on December 27, 2018, which lifted the stay of this proceeding. *See* Ex. 1051. On February 20, 2019, we entered an Order revising the Scheduling Order, setting new dates for briefing and setting June 14, 2019 as the new date for oral argument (if requested) (Paper 27). Finally, on April 1, 2019, we granted Dr. Reddy's motion to join this proceeding. Paper 36.

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), we adjust the time of pendency before the Board in the present proceeding, which involves joinder, to allow us to consider and determine the pending issues. The Board will issue a Final Written Decision in this proceeding no later than September 8, 2019.

IPR2018-00272
Patent 9,393,208 B2

For the foregoing reasons, it is
ORDERED that the time of pendency in this proceeding, which
involves joinder, is adjusted;
FURTHER ORDERED that the Board will issue a Final Written
Decision in this proceeding no later than September 8, 2019; and
FURTHER ORDERED that a copy of this Order will be entered into
the record of IPR2018-01341.

IPR2018-00272
Patent 9,393,208 B2

PETITIONER:

Brandon M. White
Emily Greb
Bryan D. Beel
PERKINS COIE LLP
bmwhite@perkinscoie.com
egreb@perkinscoie.com
bbeel@perkinscoie.com

Alan Pollack
Stuart D. Sender
Louis Weinstein
BUDD LARNER PC
apollack@buddlerner.com
ssender@buddlerner.com
lweinstein@buddlerner.com

PATENT OWNERS:

Thomas A. Blinka
Jonathan G. Graves
Ellen Scordino
COOLEY LLP
tblinka@cooley.com
jgraves@cooley.com
escordino@cooley

Margaret J. Sampson
Stephen M. Hash
Jefferey S. Gritton
BAKER BOTTS LLP
Margaret.Sampson@bakerbotts.com
Stephen.Hash@bakerbotts.com
Jefferey.Gritton@bakerbotts.com