

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

BRISTOL-MYERS SQUIBB COMPANY and PFIZER INC.,
Patent Owners.

Case IPR2018-00892
Patent 9,326,945 B2

Before SHERIDAN K. SNEDDEN and ZHENYU YANG,
Administrative Patent Judges.

SNEDDEN, *Administrative Patent Judge.*

ORDER

Authorizing Motion to Correct a Clerical or Typographical Mistake
Authorizing Motion to File Supplemental Information
37 C.F.R. §§ 42.104(c), 42.123(a)

I. INTRODUCTION

In an email sent to the Board on November 14, 2018, counsel for Petitioner requested a conference call seeking authorization to file a Motion to Correct a Clerical or Typographical Mistake pursuant to 37 C.F.R. § 42.104(c) and a Motion to File Supplemental Information pursuant to 37 C.F.R. § 42.123(a). A telephone conference was held among respective counsel for the parties and Judges Snedden and Yang on November 16, 2018. Petitioner additionally provided a court reporter for the conference call. Petitioner is hereby ordered to file the transcript for the conference call by December 3, 2018. This order summarizes the statements made during the conference call.

A. Motion to Correct a Clerical or Typographical Mistake

During the call, Petitioner sought authorization to file a Motion to Correct a Clerical or Typographical Mistake to correct errors in the Petition (Paper No. 1) and the Park Declaration (Ex. 1002) incorrectly referring to the Rudnic reference (Ex. 1010) as part of the fourth edition of *Modern Pharmaceuticals* rather than the third edition. Petitioner stated that the error is clerical in nature because Petitioner received a copy of Chapter 10 of *Modern Pharmaceuticals* from a third-party with a citation to the fourth edition. Patent Owner requested the opportunity to file an opposition to Petitioner's request.

Based on our consideration of the parties' position, the panel agreed to authorize Petitioner to file Motion to Correct a Clerical or Typographical Mistake. The motion is limited to changing citations of the Rudnic reference (Ex. 1010) in the Petition and the Park Declaration (Ex. 1002) from the fourth edition of *Modern Pharmaceuticals* to the third edition of *Modern*

Pharmaceutics. The motion is limited to five pages and due November 26, 2018. We also authorized Patent Owner to file an opposition, also limited to five pages and due December 3, 2018.

B. Motion to File Supplemental Information

During the call, Petitioner stated that the current version of Ex. 1010 contains the header pages of the fourth edition of *Modern Pharmaceutics* and the text of Chapter 10 from the third edition of *Modern Pharmaceutics*. Petitioner sought authorization to file a Motion to File Supplemental Information in order to enter into the record a version of the Rudnic reference having the text and header pages from the third edition of *Modern Pharmaceutics*. Patent Owner requested the opportunity to file an opposition to Petitioner's request.

Based on our consideration of the parties' position, the panel agreed to authorize Petitioner to file Motion to File Supplemental Information. The motion is limited to entering into the record a version of the Rudnic reference having header pages from the third edition of *Modern Pharmaceutics*. The motion is limited to five pages and due November 26, 2018. We also authorized Patent Owner to file an opposition, also limited to five pages and due December 3, 2018.

II. ORDER

Accordingly, it is

ORDERED that Petitioner is authorized to file a Motion to Correct a Clerical or Typographical Mistake pursuant to 37 C.F.R. § 42.104(c) limited to five pages and due November 26, 2018.

FURTHER ORDERED that Patent Owner is authorized to file an opposition to Petitioner's Motion to Correct a Clerical or Typographical

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Mistake limited to five pages and due December 3, 2018.

FURTHER ORDERED that Petitioner is authorized to file a Motion to Motion to File Supplemental Information pursuant to 37 C.F.R. § 42.123(a) limited to five pages and due November 26, 2018.

FURTHER ORDERED that Patent Owner is authorized to file an opposition to Petitioner's Motion to File Supplemental Information limited to five pages and due December 3, 2018.

FURTHER ORDERED that Petitioner shall file the transcript for the conference call by December 3, 2018.

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