

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

ANACOR PHAMACEUTICALS, INC.,
Patent Owner

Case No. IPR2018-01359
U.S. Patent No. 9,566,289

**PATENT OWNER'S MOTION TO REQUEST
ACCEPTANCE OF PTAB E2E SUBMISSION**

Patent Owner Anacor Pharmaceuticals, Inc. (“Anacor”) respectfully requests the Board accept the submission through PTAB E2E of Patent Owner’s Opposition to Petitioner’s Motion for Joinder (Paper No. 8). Alternatively, Anacor respectfully requests that the Board excuse the filing of the opposition on August 7, 2018, one day after the due date set by 37 C.F.R. § 42.25(a)(1) for opposing Mylan’s motion for joinder. *See* 37 C.F.R. § 42.5(c)(3). Authorization for this motion was provided by the Board via email dated August 8, 2018.

Petitioner served its motion for joinder together with its petition for *inter partes* review on July 6, 2018. Pursuant to 37 C.F.R. § 42.25(a)(1), the due date for Patent Owner’s opposition to Petitioner’s motion was one month later, August 6, 2018. Counsel for Patent Owner attempted to timely file the opposition that day through PTAB E2E. However, counsel encountered technical difficulties and was not successful. Pursuant to instructions posted on the Board’s website, Patent Owner’s counsel therefore served the opposition on counsel for Petitioner by email and provided notice to the Board. *See* Declaration of Anthony H. Sheh (Ex. 2001). After resolving the technical difficulties the next morning, counsel for Patent Owner successfully filed the opposition through PTAB E2E on August 7, 2018.

In light of the foregoing, good cause exists to excuse Anacor’s submission of its opposition through PTAB E2E on August 7, 2018. There is also no prejudice to the Board’s consideration of Anacor’s opposition papers as they were timely

served on Mylan on August 6, 2018. Anacor thus respectfully requests that the Board accept the submission of the opposition as though it were filed on August 6, 2018, or, alternatively, to excuse the late-filing for good cause.

Date: August 13, 2018

Respectfully submitted,

/Aaron P. Maurer/

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that a true and correct copy of the foregoing document and supporting exhibit were served on August 13, 2018, by delivering a copy via electronic mail on the following attorneys of record for the

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