

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC. and PFIZER INC.,¹
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Patent Owner.

IPR2018-01675, IPR2018-01676 (Patent 8,603,044 B2)
IPR2018-01678, IPR2018-01679, IPR2019-00122 (Patent 8,992,486 B2)
IPR2018-01680, IPR2018-01682 (Patent 9,526,844 B2)
IPR2018-01684 (Patent 9,604,008 B2)²

Before LYNNE H. BROWNE, HYUN J. JUNG,
BART A. GERSTENBLITH, and JAMES A. TARTAL, *Administrative
Patent Judges.*

BROWNE, *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 Pfizer Inc. was joined as a petitioner in these proceedings.

² We exercise our discretion to issue one order to be filed in each proceeding. The parties may use this style heading only if the paper includes a statement certifying that the identical paper is being filed in each proceeding listed in the caption.

IPR2018-01675, IPR2018-1676 (Patent 8,603,044 B2)
IPR2018-01678, IPR2018-01679, IPR2019-00122 (Patent 8,992,486 B2)
IPR2018-01680, IPR2018-01682 (Patent 9,526,844 B2)
IPR2018-01684 (Patent 9,604,008 B2)

On April 2, 2019, the Board instituted *inter partes* review in IPR2018-01675 and IPR2018-01676. Paper 28.³ The Board instituted *inter partes* review in the remaining proceedings on April 3, 2019. On August 15, 2019, the Board joined Pfizer Inc., to each of these proceedings. *See* Paper 48.

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 proceedings, which involve joinder, to permit the Board to consider and determine the pending issues. The Board shall issue a Final Written Decision in this proceeding no later than May 29, 2020.

It is

ORDERED that the time of pendency in these proceedings, which involve joinder, is adjusted; and

³ Citations are to IPR2018-01675. Similar papers have been entered in each of the proceedings subject to this Order.

IPR2018-01675, IPR2018-1676 (Patent 8,603,044 B2)
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IPR2018-01680, IPR2018-01682 (Patent 9,526,844 B2)
IPR2018-01684 (Patent 9,604,008 B2)

FURTHER ORDERED that the Board shall issue a Final Written
Decision in each proceeding no later than May 29, 2020.

IPR2018-01675, IPR2018-1676 (Patent 8,603,044 B2)
IPR2018-01678, IPR2018-01679, IPR2019-00122 (Patent 8,992,486 B2)
IPR2018-01680, IPR2018-01682 (Patent 9,526,844 B2)
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