

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN LABORATORIES LTD.  
Petitioner,

v.

JANSSEN PHARMACEUTICA NV,  
Patent Owner.

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IPR2020-00440  
Patent 9,439,906

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*Before* JOHN G. NEW, KRISTINA M. KALAN, and  
ROBERT A. POLLOCK, *Administrative Patent Judges*.

PER CURIAM

ORDER

Granting Petitioner's Request Submit a Revised Reply Brief and Patent  
Owner's Request to Change Submission Date of Sur-Reply Brief  
*37 C.F.R. § 42.5*

Petitioner Mylan Laboratories Ltd. (“Mylan”) has requested, *via* an email of July 7, 2020 to the Board, authorization to replace its Reply Brief (Paper 12) to Patent Owner Janssen Pharmaceutica NV’s (“Janssen”) Preliminary Response (Paper 8). Mylan represents that submission of the revised Reply Brief is requested solely to reflect PTAB authority that was recently designated as “informative,” *viz.*, *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 (May 13, 2020) and *Sand Revolution II, LLC v. Continental Intermodal Grp. – Trucking LLC*, IPR2019-01393, Paper 24 (June 16, 2020). Mylan informs the Board that it has provided Janssen with a copy of the revised substitute Reply and a redline document showing the nature of the revisions. Mylan further represents that the substitute Reply Brief remains within the limit imposed by the Board. *See* Paper 10.

Mylan informs the Board that Janssen does not object to Mylan’s Request, provided that Janssen’s deadline to submit its Sur-Reply be extended to July 22, 2020. Mylan does not object to this latter condition.

Because there is no disagreement between the parties concerning their respective requests, we authorize Mylan’s submission of a revised Reply Brief, as described above, and we extend the submission of Janssen’s Sur-Reply to July 22, 2020. No other dates are extended by this Order.

#### ORDER

It is therefore,

ORDERED that Mylan’s request to file a revised Reply Brief is authorized, and

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FURTHER ORDERED that the deadline for Janssen's Sur-Reply Brief be extended to July 22, 2020, with both parties' Briefs being subject to the limitations prescribed in our order of July 2, 2020 (Paper 10).

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