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To: [Precedential Opinion Panel Request](#)
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Subject: IPR2020-01317: Withdrawal of POP Consideration
Date: Friday, April 16, 2021 3:00:18 PM

IPR2020-01317

Dear Board:

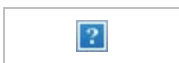
I write on behalf of Petitioner Regeneron Pharmaceuticals, Inc. in the matter of *Regeneron Pharma., Inc. v. Novartis Pharma AG et al.*, IPR2020-01317. On February 12, 2021, Regeneron submitted a request to the Precedential Opinion Panel (“POP”) requesting review of the Board’s January 15, 2021 denial of institution based on the Board’s policy of applying the *Fintiv* factors in petitions involving parallel International Trade Commission (“ITC”) investigations. On April 5, 2021, Regeneron sent a follow-up email concerning a recently-issued order from an administrative law judge at the ITC.

I now write to inform the POP that Regeneron hereby withdraws its request for the POP to review the Board’s denial of institution in this proceeding. On April 7, 2021, before trial was to take place, Patent Owner filed a motion at the ITC to terminate the proceeding and withdraw its complaint. On April 8, 2021, the administrative law judge granted Patent Owner’s motion. Accordingly, the reason why the Board discretionarily denied institution of the present proceeding under 35 U.S.C. § 314(a) – the pendency of the parallel ITC investigation – no longer applies. Regeneron is thus filing a new petition for *inter partes* review, as it is within its statutory deadline to do so. Regeneron also will file a motion to withdraw its pending request for rehearing in the present proceeding.

If the POP has any questions, please let me know.

Respectfully submitted,

Brian E. Ferguson
Backup Counsel for Petitioner Regeneron Pharmaceuticals, Inc.



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