

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC COREVALVE LLC,
EDWARDS LIFESCIENCES CORPORATION, AND
EDWARDS LIFESCIENCES LLC,
Petitioner,

v.

COLIBRI HEART VALVE LLC,
Patent Owner.

IPR2020-01454¹
Patent 9,125,739 B2

Before ERICA A. FRANKLIN, JAMES A. TARTAL, and
ERIC C. JESCHKE, *Administrative Patent Judges*.

TARTAL, *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 Edwards Lifesciences Corporation and Edwards Lifesciences LLC filed a petition in IPR2021-00775, and have been joined as petitioner in this proceeding.

IPR2020-01454
Patent 9,125,739 B2

On March 10, 2021, we instituted *inter partes* review in IPR2020-01454. Paper 11. On August 13, 2021, we joined Edwards Lifesciences Corporation and Edwards Lifesciences LLC, to this proceeding. Paper 17.

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 this authority to adjust the one-year period in the case of joinder to the Board. See 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides as follows:

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 proceeding, which involves 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 March 25, 2022.

It is

ORDERED that the time of pendency in this proceeding, which involves joinder, is adjusted; and

FURTHER ORDERED that the Board shall issue a Final Written Decision in this proceeding no later than March 25, 2022.

IPR2020-01454
Patent 9,125,739 B2

PETITIONER:

James L. Davis, Jr.
Scott A. McKeown
Cassandra Roth
ROPES & GRAY LLP
james.l.davis@ropesgray.com
scott.mckeown@ropesgray.com
cassandra.roth@ropesgray.com
Medtronic-Colibri-IPRService@ropesgray.com

Brian Egan
MORRIS, NICHOLS, ARSHT & TUNNELL LLP
began@mnat.com

Gregory Cordrey
JEFFER MANGELS BUTLER & MITCHELL, LLP
gcordrey@jmbm.com

PATENT OWNER:

Sarah E. Spires
SKIERMONT DERBY LLP
sspires@skiermontderby.com