

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DR. REDDY'S LABORATORIES, INC. and  
DR. REDDY'S LABORATORIES, LTD.,  
Petitioner,

v.

NOVO NORDISK A/S,  
Patent Owner.

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IPR2024-00009  
Patent 10,335,462 B2

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Before JOHN G. NEW, SUSAN L. C. MITCHELL, and ROBERT A. POLLOCK,  
*Administrative Patent Judges.*

MITCHELL, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

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On October 20, 2023, Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. (collectively, "Dr. Reddy's" or "Petitioner") filed a Petition challenging claims of U.S. Patent No. 10,335,462 B2 ("the '462 patent). Petitioner asserts that its Petition is essentially identical to the petition filed by Mylan Pharmaceuticals, Inc. ("Mylan") in IPR2023-00724 ("the -00724 proceeding"). Petitioner has also filed a motion to join the -00724 proceeding. *See* IPR2024-0009, Papers 2, 3.

Petitioner sought a conference call with the Board, which was held on November 3, 2023, to comply with guidance set forth in the Patent Trial and Appeal Board Consolidated Trial Practice Guide ("TPG") to assist the Board in timely managing this proceeding. TPG 76 (Nov. 2019). Judges Mitchel, New, and Pollock were on the call, as were counsel for Dr. Reddy's, Mylan, and Novo Nordisk A/S ("Novo Nordisk" or "Patent Owner"). No party engaged a court reporter.

During the conference call, Petitioner confirmed that it will assume a "silent understudy" role and will not actively participate in the -00724 proceeding unless Mylan, the current petitioner in the -00724 proceeding, ceases participating in that proceeding. Petitioner's Motion for Joinder 2. Petitioner represented that, in the present proceeding, Petitioner has provided testimony from three additional declarants, which Petitioner states mirrors the testimony of Mylan's declarants, in the event Petitioner is unable to engage Mylan's experts. *Id.*

Novo Nordisk stated that it had some issues with Petitioner's Motion for Joinder, but is hopeful that these issues can be resolved. Patent Owner also stated that it will confirm whether it will waive the filing of a Preliminary Response.

Patent Owner's response to Petitioner's Motion for Joinder is due on November 20, 2023. The parties agreed that, by that date, if agreement can be

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reached, they will submit a joint stipulation regarding Petitioner's Motion for Joinder and indicate whether Patent Owner will waive the filing of a preliminary response in this *inter partes* review. Should the parties wish further consultation with the Board to resolve any further issues, the parties should send an e-mail to the Trials mailbox to arrange for another call.

### ORDER

Accordingly, it is

ORDERED that by no later than November 20, 2023, if agreement can be reached, the parties will file a joint stipulation regarding Petitioner's Motion for Joinder and indicate whether Patent Owner will waive the filing of a preliminary response in this *inter partes* review.

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PETITIONER:

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