

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

HELSINN HEALTHCARE S.A.,
Patent Owner.

Case PGR2016-00008
Patent 9,173,942 B2

Before JACQUELINE WRIGHT BONILLA, *Vice Chief Administrative Patent Judge*, and TONI R. SCHEINER and LORA M. GREEN, *Administrative Patent Judges*.

SCHEINER, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Request to Withdraw Request for Rehearing
37 C.F.R. § 42.5(a)

Dr. Reddy’s Laboratories, Ltd. and Dr. Reddy’s Laboratories, Inc. (collectively, “Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting post-grant review of claims 1–19 of U.S. Patent 9,173,942 B2 on the following grounds. Pet. 24–61.

Basis	Claims Challenged
§ 112(a) Written Description	1–19
§ 102(a)(1) On-Sale Bar	1–19

In denying institution of a post-grant review, we determined that Petitioner had not demonstrated that it is more likely than not that at least one claim of U.S. Patent 9,173,942 B2 is unpatentable. Paper 11 (“Decision”). Subsequently, Petitioner filed a Request for Rehearing (Paper 12) asking us to reconsider our Decision denying a post-grant review on one of the two grounds advanced in the Petition—specifically, whether claims 1–19 are unpatentable under the written description provision of 35 U.S.C. § 112(a).

On October 17, 2017, by email (attached hereto), Petitioner requested withdrawal of its pending Request for Rehearing, representing that Patent Owner had been consulted and does not oppose withdrawal of Petitioner’s Request for Rehearing.

PGR2016-00008
Patent 9,173,942 B2

V. ORDER

Accordingly, it is hereby

ORDERED that Petitioner's request to withdraw its Request for Rehearing of the Decision denying a post-grant review of claims 1–19 of U.S. Patent 9,173,942 B2 is *granted*.

PGR2016-00008
Patent 9,173,942 B2

For PETITIONER:

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PGR2016-00008
Patent 9,173,942 B2

ATTACHMENT

From: Fuller, Maegan A. [<mailto:mfuller@lerner david.com>]
Sent: Tuesday, October 17, 2017 10:25 AM
To: Trials <Trials@USPTO.GOV>
Cc: Mentlik, William L. <wmentlik@lerner david.com>; Teschner, Michael H. <mteschner@lerner david.com>; PH-drreddys-helsinn-PGR@paulhastings.com; tom.irving@finnegan.com; mwaddell@loeb.com
Subject: PGR2016-00008

Dear Sir or Madam,

This communication is related to PGR2016-00008. A request for rehearing was filed on September 15, 2016 and is pending. Petitioner wishes to withdraw that request for rehearing. The Board's Paralegal instructed that Petitioner request a phone discussion with the Board to seek leave to file a motion to withdraw the request. Patent Owner has been contacted and does not oppose the withdraw of the request. All parties have been copied on this communication pursuant to 37 C.F.R. § 42.5(d). The parties are available on Tuesday October 17, 2017 through Thursday, October 19, 2017 from 9:30 am through noon and on Friday October 20 between 11 am and 3 pm Eastern time, or such other time as mutually convenient. We await further instructions

Respectfully submitted,

Maegan Fuller

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