

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC.,
Petitioner,

v.

CORCEPT THERAPEUTICS, INC.,
Patent Owner.

Case PGR2019-00048
Patent 10,195,214 B2

Before JAQUELINE WRIGHT BONILLA, *Deputy Chief Administrative Patent Judge*, ROBERT A. POLLOCK, and DAVID COTTA, *Administrative Patent Judges*.

COTTA, *Administrative Patent Judge*.

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

I. ANALYSIS

On May 7, 2019, Teva Pharmaceuticals USA, Inc. (“Petitioner”) filed a Petition requesting post-grant review of U.S. Patent No. 10,195,214 B2. Paper 2. On August 23, 2019, Corcept Therapeutics, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 8. On September 11, 2019, the Board received an email in which Petitioner requested “authorization to file a 3-page reply to Corcept’s Preliminary Patent Owner Response to address certain statements in Corcept’s POPR that mischaracterize the schedule of the concurrent litigation involving the ’214 patent.” Ex. 3001. In that email, Petitioner represented that Patent Owner would not oppose Petitioner’s request for a Reply if Petitioner did not oppose a request from Patent Owner to file a 3-page Sur-Reply. *Id.* Petitioner further represented that it did not oppose a Sur-Reply. *Id.* In an email dated September 12, 2019, we authorized Petitioner to file a three (3) page Reply to be filed on or before September 23, 2019. *Id.* We also authorized Patent Owner to file a three (3) page Sur-Reply to be filed on or before October 3, 2019. We stated that we would issue an order to that effect in due course. *Id.*

II. ORDER

In consideration of the foregoing and in view of our email to the parties of September 12, 2019, it is hereby ORDERED that Petitioner is authorized to file a Reply of not more than three (3) pages to Patent Owner’s Preliminary Response. Petitioner’s Reply shall be limited to the subject matter of the schedule of the concurrent litigation and shall be filed on or before September 23, 2019. Patent Owner is authorized to file a Sur-Reply of not more than three (3) pages. Patent Owner’s Sur-Reply shall be limited

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to the subject matter of Petitioner's Reply and shall be filed on or before
October 3, 2019.

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