

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

ANACOR PHARMACEUTICALS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 18-202-IMK
)	
MYLAN PHARMACEUTICALS INC., and)	
MYLAN INC.,)	
)	
Defendants.)	

ANACOR’S MOTION TO STAY CASE

Plaintiff Anacor Pharmaceuticals, Inc. (“Anacor”) hereby moves to stay this case pending the decisions of the Patent Trial and Appeal Board (“PTAB”) in *inter partes* review (“IPR”) Nos. 2018-00168, 2018-00169, 2018-00170, and 2018-00171. In those IPRs, defendant Mylan Pharmaceuticals Inc. is challenging the validity of all of the claims of each of the patents-in-suit. The terms of the stay Anacor seeks are as follows:

1. This case should be stayed in its entirety until the PTAB enters final written decisions in each of the four above-referenced IPRs;
2. In the event that the PTAB finds that one or more claims of any of the patents-in-suit are patentable, then the stay should immediately terminate so that the parties can “reasonably cooperate in expediting” this case as required by 21 U.S.C. § 355(j)(5)(B); and
3. In the event that the PTAB finds that all of the claims of all of the patents-in-suit are unpatentable, then the stay should continue until the time for appeal of the PTAB’s decisions has expired or any appeals have terminated.

In the alternative, Anacor hereby moves for a stay until Anacor's motion to transfer this case for coordinated and consolidated pretrial proceedings in the District of Delaware is decided by the Judicial Panel on Multidistrict Litigation.

The grounds and authorities that support this motion are set forth in the accompanying memorandum, and in any reply memorandum, exhibits, oral argument, or other submission Anacor may make in further support thereof.

Respectfully submitted,

Dated: January 14, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2019, I caused a true and correct copy of the foregoing **ANACOR'S MOTION TO STAY CASE** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

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