

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVEN PHARMACEUTICALS, INC.,
Petitioner,

v.

NOVARTIS AG AND LTS LOHMANN THERAPIE-SYSTEME AG,
Patent Owner.

Case IPR2014-00549 (Patent 6,316,023 B1)
Case IPR2014-00550 (Patent 6,335,031 B1)¹

Before FRANCISCO C. PRATS, ERICA A. FRANKLIN, and
SCOTT E. KAMHOLZ, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

ORDER

Patent Owner's Motions to File Corrected Patent Owner's Response,
Corrected and Supplemental Exhibits, and Corrected Exhibit List
37 C.F.R. § 42.64(b)

¹ This decision addresses issues that are identical in the two cases. We, therefore, exercise our discretion to issue one order to be filed in each case. The parties are not authorized to use this style heading for any papers without prior authorization by the Board.

IPR2014-00549 (Patent 6,316,023 B1)

IPR2014-00550 (Patent 6,335,031 B1)

By motions authorized by the Board, Patent Owner moves to file a corrected Patent Owner's Response (Paper 25), corrected Exhibits 2012, 2023, 2035, 2044, 2050, 2051, supplemental Exhibit 2054, and an amended Patent Owner's Exhibit List 3 (Paper 24) in IPR2014-00549 and IPR2014-00550. Paper 26.² In the motions, Patent Owner describes each clerical or typographical error in the Patent Owner's Response and exhibits, along with the proposed correction for each error that it seeks to address. *Id.* at 2–5. Patent Owner explains in the motions that the proposed corrections, including Corrected Exhibit 2012 (supplemental declaration of Alexander M. Klivanov, Ph.D. correcting typographical errors), Supplemental Exhibit 2054 (authenticating Ex. 2047), and Replacement Exhibits 2023, 2035, 2044, 2050, 2051 address and resolve specific objections made by Petitioner pursuant to 37 C.F.R. § 42.64(b)(1) on January 27, 2015. *Id.* at 1. Additionally, the motion proposes a correction of the exhibit referenced on pages 21 and 24 of the Patent Owner's Response (Paper 25). *Id.* at 1–2.

According to Patent Owner, Petitioner has reviewed Patent Owner's proposed corrections and exhibits, and has agreed, in a communication dated February 18, 2015, that these resolve the defects to which they were addressed and identified previously by Petitioner. *Id.* at 1. Further, Patent Owner explains that Petitioner has confirmed that it does not oppose the motions to correct these defects and the mistaken exhibit referenced in the Patent Owner's Response. *Id.* at 1–2. Consistent with this assertion, Petitioner has not filed an opposition to Patent Owner's motions.

² Paper numbers cited in this Order relate to both proceedings.

IPR2014-00549 (Patent 6,316,023 B1)

IPR2014-00550 (Patent 6,335,031 B1)

For these reasons, it is

ORDERED that Patent Owner's Motions to Correct Patent Owner's Response, Corrected and Supplemental Exhibits, and Corrected Exhibit List are granted.

PETITIONER:

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