

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN INC., MYLAN TECHNOLOGIES INC.,
and MYLAN PHARMACEUTICALS INC.
Petitioner,

v.

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

Case IPR2015-00265 (Patent 6,316,023)
Case IPR2015-00268 (Patent 6,335,031)¹

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

FRANKLIN, *Administrative Patent Judge*.

CONFERENCE SUMMARY
Conduct of the Proceeding
37 C.F.R. § 42.5

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.

IPR2015-00265 (Patent 6,316,023)

IPR2015-00268 (Patent 6,335,031)

A conference call regarding the captioned cases was held on December 17, 2014, between Mr. Joseph M. Reisman, Mr. Jay R. Deshmukh, counsel for Petitioner; Mr. Raymond R. Mandra and Mr. Nicholas N. Kallas, counsel for Patent Owner; and Administrative Patent Judges Prats, Franklin, and Kamholz.

Petitioner filed Petitions in IPRs 2015-00265 and 00268 on November 13, 2014. (Paper 1.) On the same date, Petitioner filed a Motion for Joinder (Paper 3) to which Patent Owner filed an Opposition (Paper 10). Petitioner requested this conference to discuss expediting Patent Owner's Preliminary Response due date, currently set for March 9, 2015. Petitioner explained that because the Petitions address the same patent, grounds, and prior art as presented in previously filed IPRs 2014-00549 and -00550, instituted on October 14, 2014, the Preliminary Response should not require much effort and that it would be appropriate to expedite the due date to January 9, 2015.

Patent Owner explained that they need time to consider additional discovery that recently has become available, along with other factors, to determine whether to prepare a Preliminary Response that differs from those filed in the earlier cases. Patent Owner also explained that they had relayed to Petitioner a willingness to expedite the submission of their Preliminary Response to February 18, 2015.

After considering the positions of both the Petitioner and Patent Owner, we explained to the parties that Patent Owner's willingness to submit their Preliminary Response on or before February 18, 2015, is reasonable and that we are not persuaded that good cause exists at this time to impose additional burdens on Patent Owner with respect to the timing of the Preliminary Response.

IPR2015-00265 (Patent 6,316,023)

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