

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DERMIRA, INC.,
Petitioner,

v.

PUREPHARM, INC.,
Patent Owner.

Case IPR2015-01594
Patent 8,252,316 B2

Before LORA M. GREEN, DEBORAH KATZ, and ZHENYU YANG,
Administrative Patent Judges.

YANG, *Administrative Patent Judge.*

ORDER

*Lifting Stay of Examination of Reissue Application No. 15/148,510
35 U.S.C. § 315(d) and 37 C.F.R. §§ 42.3, 42.122*

On January 7, 2016, the Board instituted an *inter partes* review of claims 1–8 of U.S. Patent No. 8,252,316 B2. Paper 6. On May 6, 2016, Purepharm, Inc. (“Patent Owner”) filed reissue application 15/148,510 (“the ’510 reissue application”) for the ’316 patent. Paper 23. On June 7, 2016, the Board issued an order, staying examination of the ’510 reissue application pending the completion or termination of this proceeding. Paper 24.

On December 27, 2016, the panel entered a Final Written Decision holding that Petitioner has shown by a preponderance of the evidence that claims 1–3 and 5–8 of the ’316 patent are unpatentable, but has failed to meet its burden of proof regarding the unpatentability of claim 4. Paper 28.

A party dissatisfied with a final decision of the Board may file a request for rehearing, but must do so within 30 days of the entry of a final decision. 37 C.F.R. § 42.71(d)(2). In addition, a party dissatisfied with a final decision of the Board may appeal the Board’s decision to the United States Court of Appeals for the Federal Circuit. 35 U.S.C. § 141. When doing so, the party must file the notice of appeal “no later than sixty-three (63) days after the date of the final Board decision.” 37 C.F.R. § 90.3(a)(1). The deadlines for filing the request for rehearing and notice of appeal have expired. Neither party has filed such a request or appeal. Thus, this proceeding is completed and it is now appropriate to lift the stay of examination of the ’510 reissue application.

ORDER

Accordingly, it is

ORDERED that the stay of examination of reissue application 15/148,510 is hereby lifted;

FURTHER ORDERED that time periods for filing papers in reissue application 15/148,510 are restarted.

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Patent 8,252,316 B2

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