

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., and
and MYLAN LABORATORIES LIMITED,
Petitioner,

v.

UCB PHARMA GMBH,
Patent Owner.

Case IPR2016-00510 (Patent 6,858,650 B1)¹
Case IPR2016-00512 (Patent 7,384,980 B2)
Case IPR2016-00514 (Patent 7,855,230 B2)
Case IPR2016-00516 (Patent 8,338,478 B2)
Case IPR2016-00517 (Patent 7,985,772 B2)²

Before KRISTINA M. KALAN, ROBERT A. POLLOCK, and
MICHELLE N. ANKENBRAND, Administrative Patent Judges.

Per curiam.

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

¹ Petitioners Alembic Pharmaceuticals Limited from IPR2016-01596, Torrent Pharmaceuticals Limited from IPR2016-01636, and Amerigen Pharmaceuticals Limited from IPR2016-01665 have been joined as Petitioners to IPR2016-00510.

² We exercise our discretion to issue one order to be entered in all five cases. The parties are not authorized to use this style heading for subsequent papers without Board preapproval.

IPR2016-00510 (Patent 6,858,650 B1)
IPR2016-00512 (Patent 7,384,980 B2)
IPR2016-00514 (Patent 7,855,230 B2)
IPR2016-00516 (Patent 8,338,478 B2)
IPR2016-00517 (Patent 7,985,772 B2)

On March 31, 2017, Petitioner contacted the Board via email to provide a courtesy copy of its demonstrative exhibits for the upcoming April 5, 2017 hearing in the above-captioned cases. *See* Paper 38, 3.³ At the bottom of the email, Petitioner's backup counsel included the following paragraph: "Also, Mitchell Stockwell, lead counsel for Petitioners will not be able to attend the hearing. I will be presenting on behalf of the Petitioners and have been involved in this matter since the filing of the Petition." Ex. A.

Our Trial Hearing Order in these cases provides:

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either party expects that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two (2) business days prior to the oral hearing to discuss the matter.

Paper 38, 4.

Petitioner has indicated that its lead counsel will not be present at the oral hearing. The parties however, have not initiated a joint conference with the Board to discuss this matter, as required in our Trial Hearing Order. In view of the foregoing, Petitioner is required to file, no later than close of business (5:00 pm EST) on Tuesday, April 4, 2017, a paper explaining (a) the circumstances of lead counsel's expected absence from the April 5, 2017

³ Our references in this order are to the papers in IPR2016-00510. Substantially similar papers are on file in the remaining above-captioned cases.

IPR2016-00510 (Patent 6,858,650 B1)
IPR2016-00512 (Patent 7,384,980 B2)
IPR2016-00514 (Patent 7,855,230 B2)
IPR2016-00516 (Patent 8,338,478 B2)
IPR2016-00517 (Patent 7,985,772 B2)

hearing; and (b) why the Board should not designate backup counsel as lead counsel in the above-captioned cases.

It is:

ORDERED that Petitioner shall file, no later than close of business (5:00 pm EST) on Tuesday, April 4, 2017, a paper explaining (a) the circumstances of lead counsel's expected absence from the April 5, 2017 hearing; and (b) why the Board should not designate backup counsel as lead counsel in the above-captioned cases.

IPR2016-00510 (Patent 6,858,650 B1)
IPR2016-00512 (Patent 7,384,980 B2)
IPR2016-00514 (Patent 7,855,230 B2)
IPR2016-00516 (Patent 8,338,478 B2)
IPR2016-00517 (Patent 7,985,772 B2)

FOR PETITIONER:

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IPR2016-00516 (Patent 8,338,478 B2)
IPR2016-00517 (Patent 7,985,772 B2)

EXHIBIT A

From: Holloway, Clay [mailto:CHolloway@kilpatricktownsend.com]
Sent: Friday, March 31, 2017 12:56 PM
To: Trials <Trials@USPTO.GOV>
Cc: Wooten, Alyson <awooten@kilpatricktownsend.com>; Stockwell, Mitch <MStockwell@kilpatricktownsend.com>; Moore, Susie <SuMoore@kilpatricktownsend.com>; bill@miplaw.com; materassi@miplaw.com; rathinam@miplaw.com; nseth@wileyrein.com; lsung@wileyrein.com; mmehta@sheppardmullin.com; lburson@sheppardmullin.com; Oelke, Jeffrey <joelke@whitecase.com>; Trainor, James <jtrainor@whitecase.com>; Johnson, Ryan <rjohnson@whitecase.com>; McCord, Catherine <catherine.mccord@whitecase.com>; Campion, Matthew <mcampion@whitecase.com>
Subject: IPRs 2016-00510; -00512; -00514; -00516; -00517

Dear Board,

Attached please find Petitioners' Demonstratives. The Parties met and conferred regarding objections to demonstratives and Petitioner has no pending objections. Petitioner understands that Patent Owner's remaining objection to Petitioners' demonstratives is consistent with its Motion to Exclude certain exhibits regarding, and that briefing is before the Board.

Also, Mitchell Stockwell, lead counsel for Petitioners will not be able to attend the hearing. I will be presenting on behalf of the Petitioners and have been involved in this matter since the filing of the Petition.

Regards,
Clay



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