

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC. and
MYLAN LABORATORIES LIMITED,
Petitioner,

v.

UCB PHARMA GMBH,
Patent Owner.

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)

Before RAMA G. ELLURU, KRISTINA M. KALAN, and
ROBERT A. POLLOCK,
Administrative Patent Judges.

ELLURU, *Administrative Patent Judge.*

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

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)

Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited (“Petitioner”) requests, via a May 20, 2016, e-mail to the Board, permission to file a five-page reply to UCB Pharma GMBH’s (“Patent Owner”) Preliminary Responses in IPR2016-00510, IPR2016-00512, IPR2016-00514, IPR2016-00516, and IPR2016-00517. Petitioner alleges that Patent Owner’s Preliminary Responses filings include “two material misstatements of the record for which Petitioners respectfully request a brief reply pursuant to 37 C.F.R. § 42.108(c) to address them.” Petitioner cites the following papers: “Compare, e.g., IPR2016-00510, Paper 9, pp. 3, 14-17, with Paper 1, pp. 8-9, 23-25; Exh. 1009, pp. 2, 3, 5, 7; Exh. 1011, pp. 8, 10. The same issue is present in each of the above-referenced IPRs. See, IPR2016-00512, Paper 9, pp. 3, 12-15; IPR2016-00514, Paper 9, pp. 2-3, 12-15; IPR2016-00516, Paper 9, pp. 2-3, 12-16; and IPR2016-00517, Paper 9, pp. 2-3, 11-16.” Petitioner also cites to the following papers: “Compare, e.g., IPR2016-00510, Paper 9, pp. 3, 19-21, with Paper 1, pp. 9-10, 18, 26, 29, 44; Exh. 1011, p. 10. The same issue is present in each of the above-referenced IPRs. See, IPR2016-00512, Paper 9, pp. 3, 16-19; IPR2016-00514, Paper 9, pp. 3, 16-19; IPR2016-00516, Paper 9, pp. 3, 16-19; and IPR2016-00517, Paper 9, pp. 3, 16-19.”

We deny Petitioner’s request to file replies to the preliminary responses. If we determine replies are necessary upon further review of the records in these cases, the Board will notify the parties.

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)

IT IS:

ORDERED that Petitioner's request to file replies to the Patent Owner Preliminary Responses in IPR2016-00510, IPR2016-00512, IPR2016-00514, IPR2016-00516, and IPR2016-00517 is denied.

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)

PETITIONER:

Mitchell Stockwell
Clay Holloway
Alyson L. Wooten
mstockwell@kilpatricktownsend.com
cholloway@kilpatricktownsend.com
awooten@kilpatricktownsend.com

PATENT OWNER:

Jeffrey Oelke
Robert Counihan
joelke@whitecase.com
rcounihan@whitecase.com