

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LABORATOIRE FRANCAIS DU FRACTIONNEMENT ET DES
BIOTECHNOLOGIES S.A.,
Petitioner,

v.

NOVO NORDISK HEALTHCARE AG,
Patent Owner.

IPR2017-00028
Patent 9,102,762 B2

Before ERICA A. FRANKLIN, SUSAN L. C. MITCHELL, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

PAULRAJ, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
Authorizing Briefing on Motion to Terminate or Dismiss this Proceeding
37 C.F.R. § 42.5

On August 5, 2020, we held a conference call in which counsel for Petitioner, counsel for Patent Owner, and the judges of this panel participated. The purpose of the call was to discuss Petitioner's request to file a motion to terminate or dismiss this proceeding on the basis that it has exceeded the statutory and regulatory time limits for completion. A court reporter was present on the call, and we instructed Petitioner's counsel to enter the transcript of the call into the record once it is available.

Upon consideration of the positions articulated during the call, we authorize Petitioner to file the requested motion. In the authorized motion, Petitioner shall specify clearly the particular relief requested (termination or dismissal) and the basis for its contention that we have exceeded the statutory and regulatory time limits for completion of this proceeding on rehearing. Patent Owner is authorized to file an opposition to Petitioner's motion. No further briefing is authorized, nor is the submission of new evidence authorized.

Accordingly, it is:

ORDERED that Petitioner is authorized to file a Motion to Terminate or Dismiss this proceeding; such Motion shall be limited to 15 pages and filed no later than August 26, 2020;

FURTHER ORDERED that Patent Owner is to file an Opposition to Petitioner's Motion; such Opposition shall be limited to 15 pages and filed no later September 23, 2020.

IPR2017-00028
Patent 9,102,762 B2

For Petitioner:

George Quillin
gquillin@foley.com

Michael Houston
mhouston@foley.com

Jason Mock
jmock@foley.com

For Patent Owner:

Jeffrey Oelke
joelke@fenwick.com