

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MERCK SHARP & DOHME CORP.,  
Petitioner,

v.

GLAXOSMITHKLINE BIOLOGICALS SA,  
Patent Owner.

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Case IPR2018-01229 (Patent No. 8,753,645)  
Case IPR2018-01236 (Patent No. 8,753,645)  
Case IPR2018-01234 (Patent No. 9,265,839)  
Case IPR2018-01237 (Patent No. 9,265,839)<sup>1</sup>

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Before SHERIDAN K. SNEDDEN, JO-ANNE M. KOKOSKI, and  
RICHARD J. SMITH, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

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

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<sup>1</sup> This Order addresses issues that are common to all four cases. We, therefore, issue a single Order that has been entered in each case. The parties may use this style caption when filing a single paper in multiple proceedings, provided that such caption includes a footnote attesting that “the word-for-word identical paper is filed in each proceeding identified in the caption.”

IPR2018-01229, -01236 (Patent No. 8,753,645)

IPR2018-01234, -01237 (Patent No. 9,265,839)

*Inter partes* reviews in the above-referenced proceedings were instituted on December 18, 2018. Paper 13.<sup>2</sup> Scheduling Orders were entered at that time, and included the setting of an initial conference call for January 22, 2019. Paper 14, 2.

On January 17, 2019, Petitioner requested, via e-mail, authorization to file a motion to submit supplemental information in each of the above-referenced proceedings. Patent Owner opposed the request, but the parties jointly requested that Petitioner's request be addressed during the initial conference call. On January 22, 2019, an initial conference call was held among counsel for Petitioner, counsel for Patent Owner, and Judges Snedden, Kokoski, and Smith.

During the conference call, we discussed the reasons for Petitioner's request and Patent Owner's opposition, giving the parties the opportunity to present their arguments and explanations to support their positions. Based on our consideration of the parties' positions, we authorized Petitioner to file a motion to submit supplemental information pursuant to 37 C.F.R. § 42.123 and Patent Owner to file an opposition to Petitioner's motion.

Accordingly, it is hereby:

ORDERED that Petitioner is authorized to file an 8-page motion to submit supplemental information pursuant to 37 C.F.R. § 42.123, on or before January 30, 2019; and

FURTHER ORDERED that Patent Owner is authorized to file an 8-page opposition to Petitioner's motion, on or before February 6, 2019.

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<sup>2</sup> The paper numbers referenced in this Order are the same in each of the referenced proceedings.

IPR2018-01229, -01236 (Patent No. 8,753,645)  
IPR2018-01234, -01237 (Patent No. 9,265,839)

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