

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GRACO INC Petitioner

v.

GILEAD PHARMASSET LLC

Patent Owner

Case No. PGR2018-00049

Patent 9,675,982

Mailed: April 3, 2018

Before Thomas Green, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION
AND
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for *inter partes* review in the above proceeding has been accorded the filing date of March 12, 2018.

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A review of the petition identified the following defect(s):

The Petition filed on March 12, 2018 uploaded as “Paper 1” does not conform with the requirements for paper exhibit lists under 37 C.F.R. § 42.63(a). Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit. Exhibit 1030 is shown on the exhibit list within the petition but, hasn’t been uploaded to the USPTO E2E database for review.

The Petition filed on March 12, 2018 uploaded as “Paper 1” does not conform with the requirements for paper exhibit list under 37 C.F.R. § 42.63(d)(2)(ii). The exhibit label must be affixed to the lower right corner of the first page of the exhibit without obscuring information on the first page. Exhibit 1030 is shown on the exhibit list within the petition but, hasn’t been uploaded to the USPTO E2E database for review.

The Petition filed on March 12, 2018 uploaded as “Paper 1” does not conform with the requirements for paper exhibit list under 37 C.F.R. § 42.63(d)(1)(i). An exhibit filed with the petition must include the petitioner's name followed by a unique exhibit number. Exhibit 1030 is shown on the exhibit list within the petition but, hasn’t been uploaded to the USPTO E2E database for review.

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

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Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in Patent Trial and Appeal Board End to End (PTAB E2E), accessible from the Board Web site at <http://www.uspto.gov/PTAB>. To file documents, users must register with PTAB E2E. Information regarding how to register with and use PTAB E2E is available at the Board Web site.

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If there are any questions pertaining to this notice, please contact Thomas Green at 571-270-5585 or the Patent Trial and Appeal Board at 571-272-7822.

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NOTICE CONCERNING ALTERNATIVE DISPUTE RESOLUTION
(ADR)

The Patent Trial and Appeal Board (PTAB) strongly encourages parties who are considering settlement to consider alternative dispute resolution as a means of settling the issues that may be raised in an AIA trial proceeding. Many AIA trials are settled prior to a Final Written Decision. Those considering settlement may wish to consider alternative dispute resolution techniques early in a proceeding to produce a quicker, mutually agreeable resolution of a dispute or to at least narrow the scope of matters in dispute. Alternative dispute resolution has the potential to save parties time and money.

Many non-profit organizations, both inside and outside the intellectual property field, offer alternative dispute resolution services. Listed below are the names and addresses of several such organizations. The listings are provided for the convenience of parties involved in cases before the PTAB; the PTAB does not sponsor or endorse any particular organization's alternative dispute resolution services. In addition, consideration may be given to utilizing independent alternative dispute resolution firms. Such firms may be located through a standard keyword Internet search.

CPR INSTITUTE FOR DISPUTE RESOLUTION	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION (AIPLA)	AMERICAN ARBITRATION ASSOCIATION (AAA)	WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)	AMERICAN BAR ASSOCIATION (ABA)
Telephone: (212) 949-6490	Telephone: (703) 415-0780	Telephone: (212) 484-3266	Telephone: 41 22 338 9111	Telephone : (202) 662-1000
Fax: (212) 949-8859	Fax: (703) 415-0786	Fax: (212) 307-4387	Fax: 41 22 733 5428	N/A
575 Lexington Ave	241 18th Street, South, Suite 700	140 West 51st Street	34, chemin des Colombettes	1050 Connecticut Ave, NW
New York, NY 10022	Arlington, VA 22202	New York, NY 10020	CH-1211 Geneva 20, Switzerland	Washington D.C. 20036
www.cpradr.org	www.aipla.org	www.adr.org	www.wipo.int	www.americanbar.org

If parties to an AIA trial proceeding consider using alternative dispute resolution, the PTAB would like to know whether the parties ultimately

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