

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC,
Petitioner,

v.

SHIRE LABORATORIES, INC.,
Patent Owner.

Case IPR2016-01033
Patent RE42,096 E

Before TONI R. SCHEINER, LORA M. GREEN, and
SHERIDAN K. SNEDDEN, *Administrative Patent Judges*.

SCHEINER, *Administrative Patent Judge*.

TERMINATION
Dismissing Patent Owner's Motion to Amend and
Terminating *Inter Partes* Review
37 C.F.R. §§ 42.71(a), 42.72, and 42.121

I. DISCUSSION

Mylan Pharmaceuticals Inc. (“Mylan” or “Petitioner”) filed a Petition (Paper 2, “Pet.”) on May 12, 2016, requesting an *inter partes* review of claims 1–25 of U.S. Patent No. RE42,096 E (Ex. 1001, “the ’096 patent”). On November 17, 2016, we instituted an *inter partes* review of claims 18–25 of the ’096 patent, but not claims 1–17. Paper 8.

Shire LLC (“Shire” or “Patent Owner”) filed a Motion to Amend (Paper 10, “Mot. Amend”) on February 17, 2017, requesting cancellation of claims 18–25 and “proposing one substitute claim for multiple-dependent Claim 25, which removes its dependency from all instituted claims.” Mot. Amend, 1.

Subsequently, in a separate proceeding involving the ’096 patent, we granted an identical Motion to Amend, and terminated the proceeding as no claim subject to *inter partes* review remained in the trial. *Amerigen Pharm. Ltd. v. Shire LLC*, Case IPR2015-02009, slip op. at 3–7 (PTAB March 31, 2017) (Paper 38); *Amerigen Pharm.*, Paper 15, at 2.

Accordingly, we dismiss as moot Patent Owner’s Motion to Amend in the present case.

Furthermore, as no claim subject to *inter partes* review remains in the present trial, we determine that it is appropriate to terminate the proceeding. 37 C.F.R. § 42.72.

II. ORDER

It is

ORDERED that Patent Owner's Motion to Amend is *dismissed* as moot;

FURTHER ORDERED that we do not proceed to a final written decision under 35 U.S.C. § 318(a); and

FURTHER ORDERED that this proceeding is terminated pursuant to 37 C.F.R. § 42.72.

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