

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COHERUS BIOSCIENCES INC.,
Petitioner,

v.

ABBVIE BIOTECHNOLOGY LTD.,
Patent Owner.

Case IPR2017-00826
Case IPR2017-00827
Patent 9,085,619 B2¹

Before SUSAN L. C. MITCHELL, TINA E. HULSE, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

ANKENBRAND, *Administrative Patent Judge*.

ORDER
Dismissing the Proceedings
37 C.F.R. §§ 42.5(a), 42.71(a)

¹ Because resolution of issues set forth in this order involves both of the above-referenced cases, we exercise our discretion to issue a single order to be entered in each case.

Pursuant to Petitioner's request, the Board authorized Petitioner to file an unopposed motion to dismiss the above-captioned cases. On April 7, 2017, Petitioner filed its "Unopposed Motion to Dismiss Petitions Without Prejudice." Paper 9. Petitioner requests that we dismiss the Petitions in order to proceed with IPR2017-01008 and IPR2017-01009, which replace IPR2017-00826 and IPR2017-00827. *See* Paper 9, 1. Petitioner represents that Patent Owner does not oppose the motion. *Id.*

These cases are in the preliminary proceeding stage, which begins with the filing of a petition requesting an *inter partes* review and ends with a written decision as to whether trial will be instituted. *See* 37 C.F.R. § 42.2. Petitioner filed Petitions in both cases on January 31, 2017. IPR2017-00826, Paper 1; IPR2017-00827, Paper 1. Patent Owner's Preliminary Responses are due on May 24, 2017. *See* IPR2017-00826, Paper 5, 1; IPR2017-00827, Paper 5, 1. Thus, we have not yet entered a decision on whether to institute a trial in either case.

Based on the facts and circumstances of these cases, and in view of Petitioner's unopposed motion, we determine that it is appropriate to dismiss the Petitions without rendering a decision on institution or a final written decision in either case. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). Accordingly, we *grant* Petitioner's unopposed motion to dismiss the Petitions. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

IPR2017-00826
IPR2017-00827
Patent 9,085,619 B2

ORDER

It is

ORDERED that Petitioner's Unopposed Motion to Dismiss the Petitions Without Prejudice is *granted*; and

FURTHER ORDERED that the Petitions for *Inter Partes* Review in IPR2017-00826 and IPR2017-00827 are *dismissed*.

IPR2017-00826
IPR2017-00827
Patent 9,085,619 B2

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