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Paper 31
Date: June 14, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAREPTA THERAPEUTICS, INC.,
Petitioner,

v.

NIPPON SHINYAKU CO., LTD. &
NATIONAL CENTER OF NEUROLOGY AND PSYCHIATRY,
Patent Owner.

IPR2021-01134 (US 9,708,361)
IPR2021-01135 (US 10,385,092)
IPR2021-01136 (US 10,407,461)
IPR2021-01137 (US 10,487,106)
IPR2021-01138 (US 10,647,741)
IPR2021-01139 (US 10,662,217)
IPR2021-01140 (US 10,683,322)[1]

Before ULRIKE W. JENKS, SHERIDAN K. SNEDDEN, CHRISTOPHER G. PAULRAJ, and ROBERT A. POLLOCK, *Administrative Patent Judges.*[2]

Per Curiam.

TERMINATION
Dismissal After Institution of Trial
37 C.F.R. § 42.72

[1] The parties are not authorized to use this style of caption.

[2] This is not a joined proceeding.

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In light of the proceedings described below, and as requested by the parties, all due dates in the above-listed IPRs stand suspended. *See*, *e.g.*, IPR2021-01134, Papers 28, 29, Exhibits 3006, 3008.[1] We now address Petitioner's compelled motion seeking termination of the above-listed IPRs.

Shortly after institution of the above-listed IPRs, Nippon Shinyaku Co. Ltd. ("Nippon Shinyaku") filed a complaint against Sarepta Therapeutics, Inc. ("Sarepta") in the District of Delaware, alleging breach of contract and infringement of the patents challenged in the IPR petitions. Ex. 1103, 1. Nippon Shinyaku also moved for a preliminary injunction seeking to require Sarepta to withdraw its IPR petitions based on an alleged breach of a forum selection clause in the parties' prior Mutual Confidentiality Agreement. Ex. 1103 at 1–2. The District of Delaware denied Nippon Shinyaku's motion. Ex. 1102; Ex. 1103. Upon appeal, the Federal Circuit reversed the District Court's decision and remanded for entry of a preliminary injunction. *See Nippon Shinyaku Co., Ltd. v. Sarepta Therapeutics, Inc.*, 25 F.4th 998, 1005-06, 1009 (Fed. Cir. 2022). The District of Delaware then ordered Sarepta to withdraw the above-listed IPRs. Ex. 3010, 2–3.

In compliance with the District Court's Order, Sarepta filed an authorized motion in each proceeding seeking withdrawal of its IPR

[1] We cite to IPR2021-01134 for convenience. Substantially identical papers and exhibits are filed in each of the affected IPRs.

petitions. Paper 30. We grant these motions and terminate these proceedings as to all parties.

In view of the above, and in consideration of Petitioner's motions, it is:

ORDERED that Petitioner's motions to withdraw its petition for *inter partes* review in each of the above recited proceedings are granted;

FURTHER ORDERED that these proceedings are terminated as to all parties.

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