

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., DR. REDDY'S LABORATORIES,
INC., DR. REDDY'S LABORATORIES, LTD., SUN
PHARMACEUTICAL INDUSTRIES LTD.,
SUN PHARMACEUTICAL INDUSTRIES, INC., and APOTEX INC.
Petitioner,

v.

NOVO NORDISK A/S,
Patent Owner.

IPR2023-00724¹
Patent 10,335,462 B2

Before JOHN G. NEW, SUSAN L. C. MITCHELL, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

MITCHELL, *Administrative Patent Judge*.

ORDER

Adjusting One-Year Pendency Due to Joinder
35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)

¹ IPR2024-00009 (Dr. Reddy's Laboratories); IPR2024-00107 (Sun Pharmaceutical Industries); and IPR2024-00631 (Apotex Inc.) have been joined with this proceeding.

On October 4, 2023, the Board instituted *inter partes* review in the above-captioned proceeding. Paper 10. On April 25, 2024, the Board joined Dr. Reddy's Laboratories as Petitioner from proceeding IPR2024-00009. Paper 49. On May 28, 2024, the Board joined Sun Pharmaceutical Industries as Petitioner from IPR2024-00631, Paper 54, and on September 11, 2024, the Board joined Apotex Inc. as Petitioner from IPR2024-00631, *see* IPR2024-00631, Papers 22, 23.

Pursuant to 35 U.S.C. § 316(a)(11), "the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director . . . may adjust the time periods in this paragraph in the case of joinder under section 315(c)." The Director has delegated the authority to adjust the one-year period to the Board. *See* 37 C.F.R. § 42.100(c). Specifically, 37 C.F.R. § 42.100(c) provides:

An inter partes review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be . . . adjusted by the Board in the case of joinder.

In accordance with 37 C.F.R. § 42.100(c), the Board adjusts the time of pendency before the Board in the present proceeding, which involves joinder, beyond one year after institution to permit the Board to consider and determine the pending issues. The Board shall issue a Final Written Decision in these proceedings no later than Friday, January 10, 2025.

Accordingly, it is

ORDERED that the time of pendency in this proceeding, which involves joinder, is adjusted beyond one year after institution; and

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FURTHER ORDERED that the Board shall issue a Final Written Decision in these proceedings no later than Friday, January 10, 2025.

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