

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO. LTD,
Petitioner,

v.

ALEXION PHARMACEUTICALS, INC.,
Patent Owner.

Cases IPR2023-00933; IPR2023-00998; IPR2023-00999;
IPR2023-01069; and IPR2023-1070

Patents 9,732,149 B2; 9,718,880 B2; 9,725,504 B2;
10,590,189 B2; and 10,703,809 B1¹

Before TINA E. HULSE, ROBERT A. POLLOCK, and RYAN H. FLAX,
Administrative Patent Judges.

FLAX, *Administrative Patent Judge.*

FIRST MODIFIED SCHEDULING ORDER
37 C.F.R. § 42.5(c)

¹ We use this caption for efficiency. The parties are not authorized to use such a caption.

IPR2023-00933; IPR2023-00998; IPR2023-00999;
IPR2023-01069; IPR2023-1070

Patents 9,732,149 B2; 9,718,880 B2; 9,725,504 B2;
10,590,189 B2; 10,703,809 B1

I. INTRODUCTION

Alexion Pharmaceuticals, Inc. (“Patent Owner”) is the owner of U.S. Patents 9,732,149 B2; 9,718,880 B2; 9,725,504 B2; 10,590,189 B2; and 10,703,809 B1. Samsung Bioepis Co., Ltd. (“Petitioner”) filed a respective Petition for *inter partes* review in each of the above-captioned proceedings, challenging the patentability of claims of these patents. In each proceeding, trial was instituted.

On February 6, 2024, counsel for Petitioner emailed the Board indicating that the parties had conferred and come to an agreement on, and jointly request that the Board enter, a modified schedule spanning and synchronizing all of the above-captioned proceedings, one which maintains the originally set final hearing date of IPR2023-00993 and IPR2023-01070. *See* Ex. 3004 of IPR2023-00993 (similar Board exhibits are entered in each proceeding). There being agreement between the parties and an apparent need to modify the respective schedules, we find good cause exists to grant the parties’ request.

This Order modifies the existing scheduling orders in the above-captioned proceedings, and sets due dates for the parties to act after institution in each of the above-captioned proceedings. Modified due dates are shown underlined in the following Appendix.

It is hereby

ORDERED that the schedule of the proceeding is modified as shown in the Appendix to this Order.

IPR2023-00933; IPR2023-00998; IPR2023-00999;
IPR2023-01069; IPR2023-1070
Patents 9,732,149 B2; 9,718,880 B2; 9,725,504 B2;
10,590,189 B2; 10,703,809 B1

DUE DATE APPENDIX

DUE DATE 1	<u>March 13, 2024</u>
Patent Owner's response to the petition	
Patent Owner's motion to amend the patent	
DUE DATE 2	<u>June 5, 2024</u>
Petitioner's reply to Patent Owner's response to petition	
Petitioner's opposition to motion to amend	
DUE DATE 3	<u>July 17, 2024</u>
Patent Owner's sur-reply to reply	
Patent Owner's reply to opposition to motion to amend (or Patent Owner's revised motion to amend) ²	
DUE DATE 4	<u>August 7, 2024</u>
Request for oral argument (may not be extended by stipulation)	
DUE DATE 5	<u>August 28, 2024</u>
Petitioner's sur-reply to reply to opposition to motion to amend	
Motion to exclude evidence	
DUE DATE 6	<u>September 3, 2024</u>
Opposition to motion to exclude	
Request for prehearing conference	
DUE DATE 7	<u>September 10, 2024</u>
Reply to opposition to motion to exclude	
DUE DATE 8	<u>September 12, 2024</u>
Oral argument (if requested)	

² See similar footnote and Section III(C) of the original scheduling order.

IPR2023-00933; IPR2023-00998; IPR2023-00999;
IPR2023-01069; IPR2023-1070

Patents 9,732,149 B2; 9,718,880 B2; 9,725,504 B2;
10,590,189 B2; 10,703,809 B1

For PETITIONER:

Michelle Rhyu
Daniel Knauss
COOLEY LLP
rhyums@cooley.com
dknauss@cooley.com

For PATENT OWNER:

Gerald Flattmann
Andrew Cochran
CAHILL GORDON & REINDEL LLP
gflattmann@cahill.com
acochran@cahill.com