

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS V LLC,
Petitioner,

v.

BIOGEN INTERNATIONAL GmbH,
Patent Owner.

Case IPR2015-01086 (Patent 8,759,393 B2)
Case IPR2015-01136 (Patent 8,399,514 B2)¹

Before SALLY GARDNER LANE, LORA M. GREEN,
DEBORAH KATZ, JACQUELINE WRIGHT BONILLA,
and TINA E. HULSE, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This order addresses issues that are common to both cases. We, therefore, issue a single order that has been entered in each case. Paper numbers refer to those filed in IPR2015-01086. The parties may use this style caption when filing a single paper in multiple proceedings, provided that such caption includes a footnote attesting that “the word-for-word identical paper is filed in each proceeding identified in the caption.”

IPR2015-01086 (Patent 8,759,393 B2)

IPR2015-01136 (Patent 8,399,514 B2)

A conference call was held on June 29, 2015, among Robert Hahl for Coalition for Affordable Drugs V LLC (“Petitioner”); Michael Flibbert for Biogen International GmbH (“Patent Owner”); and Administrative Patent Judges Hulse, Lane, Green, Katz, and Bonilla. Patent Owner requested the conference call to request authorization to file a motion for additional discovery.

Patent Owner requests two documents referenced in a recent SEC filing by Petitioner. Specifically, Patent Owner requests two non-public offering documents for the Hayman Credes Master Fund, L.P. and the Hayman Orange Fund SPC—Portfolio A, both of which have been identified as real parties-in-interest in these proceedings. *See* Paper 1, 2. Patent Owner asserts that the documents will disclose the mandates of the funds, which likely will provide details as to the purpose of funds. In particular, Patent Owner asserts that the stated mandates will further explain a principal purpose of the funds, which is to take short stock positions against pharmaceutical companies. Patent Owner contends that this information will support its position that the filings of the Petitions are an abuse of process or an improper use of the proceeding under 37 C.F.R. § 42.12.

Petitioner opposes Patent Owner’s request, arguing Patent Owner has not met its burden of showing how the request is calculated to produce useful information. During the call, however, Petitioner admitted that it would be easy to obtain the documents, if required to do so.

In light of the narrowly tailored request for specific documents, we grant Patent Owner’s request and authorize the filing of a motion for additional discovery. Patent Owner shall file its motion by Monday, June 29, 2015, and Petitioner shall file its opposition by Friday, July 3, 2015.

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Both papers shall be no longer than 15 pages. No reply is authorized at this time.

ORDER

Accordingly, it is

ORDERED that Patent Owner is authorized to file a motion for additional discovery by no later than June 29, 2015;

FURTHER ORDERED that Petitioner is authorized to file an opposition to Patent Owner's motion by no later than July 3, 2015; and

FURTHER ORDERED that no reply is authorized at this time.

PETITIONER:

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