

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**SANDOZ INC.,**  
*Appellant*

v.

**ABBVIE BIOTECHNOLOGY, LTD.,**  
*Appellee*

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2018-2142, -2143

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Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2017-01824 and IPR2018-00002.

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Before BRYSON, *Circuit Judge*.

**O R D E R**

Sandoz Inc. appeals from decisions of the Patent Trial and Appeal Board denying Sandoz's petitions to institute *inter partes* review and its request for rehearing.

In light of the nature of the appeals and the United States Patent and Trademark Office's "Notice of Non-Filing of Certified List Due to Lack of Jurisdiction,"

IT IS ORDERED THAT:

(1) Sandoz is directed to show cause, within 30 days of the date of filing of this order, why these appeals should not be dismissed for lack of jurisdiction. See 35 U.S.C. § 314(d) (stating that “[t]he determination by the Director whether to institute an inter partes review under this section shall be final and nonappealable”); 28 U.S.C. § 1295(a)(4)(A); see also *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2140 (2016) (“the agency’s decision to deny a petition [for *inter partes* review] is a matter committed to the Patent Office’s discretion”); *St. Jude Med., Cardiology Div., Inc. v. Volcano Corp.*, 749 F.3d 1373, 1375 (Fed. Cir. 2014). AbbVie Biotechnology, Ltd. may respond within 14 days thereafter.

(2) The briefing schedule is stayed.

FOR THE COURT

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court