

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APOTEX INC. and APOTEX CORP.,  
Petitioner,

v.

AMGEN INC. and AMGEN MANUFACTURING LIMITED,  
Patent Owner.

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Case IPR2016-01542  
Patent 8,952,138 B2

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Before JAMES T. MOORE, *Administrative Patent Judge*.

ORDER  
Additional Briefing  
*37 C.F.R. § 42.5(a)*

A Final Written Decision in this matter was rendered February 15, 2018 in which we found claims 1-17 and 19-24 of the subject patent unpatentable. Paper 60. Apotex, Inc. and Apotex Corp. timely filed a Request for Rehearing under 37 C.F.R. § 42.71(d) on March 16, 2018. Paper 61 (“Req. Reh’g”). Familiarity with these papers is presumed.

The grounds for rehearing relate to (1) the Board’s interpretation of the term “non-aerobic conditions” and (2) the Board’s conclusion that Petitioner had not shown that claim 18 was unpatentable. *Id.* at 1.

Before we rule upon the request, additional briefing is required.

First, Patent Owner is authorized an opposition to the request for rehearing within the page limits provided for by 37 C.F.R. § 42.24(b)(3). That opposition shall be filed within 10 business days of the date of this order.

Second, Patent Owner is authorized a brief explaining the meaning it asserts for “non-aerobic conditions.” That brief shall be 5 pages long and filed within 10 business days of this order.

Third, Petitioner is authorized a brief explaining the meaning of the term “non-aerobic conditions.” That brief shall be 5 pages long and filed within 10 business days of this order.

No evidence not found within the record as it stands shall be proffered or permitted.

IPR2016-01542  
Patent 8,952,138 B2

**PETITIONER:**

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