

NOTE: This order is nonprecedential.

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

**AMGEN INC., AMGEN MANUFACTURING
LIMITED,**
Appellants

v.

**ANDREI IANCU, UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE,**
Intervenor

2019-2171

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2016-
01542.

O R D E R

PER CURIAM.

In light of this court's decision in *Arthrex, Inc. v. Smith & Nephew, Inc.*, No. 18-2140 (Fed. Cir. Oct. 31, 2019) (reh'g en banc denied Mar. 23, 2020), and the fact that Amgen

Inc. and Amgen Manufacturing Limited have raised an Appointments Clause challenge in the opening brief in the above captioned case,

IT IS ORDERED THAT:

(1) The oral argument scheduled for May 7, 2020 is cancelled and the case is removed from the calendar.

(2) The Patent Trial and Appeal Board's decision in No. IPR2016-01542 is vacated and the case is remanded to the Board for proceedings consistent with the court's decision in *Arthrex*.

FOR THE COURT

March 24, 2020
Date

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