

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

CIPLA LTD.
Patent Owner.

Case IPR2017-00807
Patent No. 8,168,620 B2

JOINT STIPULATION TO LIMIT PETITION UNDER 37 C.F.R. § 42.71

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant 37 C.F.R. § 42.71 and an email communication authorizing this stipulation, Petitioner Argentum Pharmaceuticals LLC and Patent Owner Cipla Ltd. hereby provide notice of the following:

WHEREAS the Petition (Paper 1) presented three grounds challenging the patentability of U.S. Patent No. 8,168,620: (1) Ground 1 alleging unpatentability of claims 1 and 25 under 35 U.S.C. § 102(b) over Segal; (2) Ground 2 alleging unpatentability of claims 1, 4-6, 24-26, and 29 under 35 U.S.C. § 103 over Hettche, Phillipps, and Segal; and (3) Ground 3 alleging unpatentability of claims 42-44 under 35 U.S.C. § 103 over Hettche, Phillipps, Segal, and Flonase Label;

WHEREAS the Board's Decision (Paper 11) instituted review on Grounds 2 and 3;

WHEREAS the Board modified the Institution Decision (Paper 51) to institute "review of all challenged claims and all grounds presented in the Petition;"

NOW THEREFORE, Petitioner and Patent Owner have agreed and stipulate, as follows:

1. Petitioner and Patent Owner stipulate to dismiss Ground 1 presented in the Petition from this proceeding and to limit the Petition pursuant to 37 C.F.R. § 42.71 to Grounds 2 and 3 only;

2. Petitioner and Patent Owner stipulate that this agreement shall not operate as a waiver or have any estoppel effect;

3. Petitioner and Patent Owner stipulate that the sole intent of this agreement is to return this proceeding to the status quo before Paper 51 instituting review on all grounds presented in the Petition;

4. Petitioner and Patent Owner stipulate that no additional briefing or evidence will be submitted concerning Ground 1, that Ground 1 will not be addressed at the upcoming oral hearing scheduled for May 16, 2018, and that the Board need not address Ground 1 in its final written decision.

Respectfully submitted,

Date: May 11, 2018

/Michael Houston/
Michael R. Houston
Reg. No. 58,486
Lead Attorney for Petitioner

Respectfully submitted,

Date: May 11, 2018

/Dennies Varughese/
Dennies Varughese
Registration No. 61,868
Lead Attorney for Patent Owner