

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

PFIZER, INC. & WYETH HOLDINGS)	
CORPORATION,)	
)	
Plaintiffs,)	
)	
v.)	
)	
MICHELLE K. LEE,)	
Deputy Under Secretary Of Commerce)	
for Intellectual Property and Deputy)	
Director of the United States Patent and)	
Trademark Office,)	
)	
Defendant.)	
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)	

Civil Action No. 1:12cv1131

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, defendant, Michelle K. Lee, Deputy Under Secretary for Intellectual Property and Deputy Director of the United States Patent and Trademark Office (“USPTO”), through her undersigned counsel, hereby respectfully moves for the entry of summary judgment on plaintiffs’ claims (1) under the Administrative Procedure Act (“APA”) with respect to the USPTO’s denial of plaintiffs’ petition requesting a finding that they did not abandon the patent application that issued as United States Patent No. 8,153,768 (“the ’768 patent”); and (2) under 35 U.S.C. § 154(b)(4)(A) with respect to the amount of patent term adjustment (“PTA”) that USPTO provided to the ’768 patent pursuant to 35 U.S.C. § 154(b)(2)(A) (“A Delay”).

The grounds for this motion are fully explicated in the attached memorandum of law in support of the motion.

Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

By: _____/s/_____
DENNIS C. BARGHAAN, JR.
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3891
Fax: (703) 299-3983
Email: dennis.barghaan@usdoj.gov

DATE: July 15, 2014

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will transmit a true and correct copy of the same to the following:

William B. Porter
Blankingship & Keith, P.C.
4020 University Drive, Suite 300
Fairfax, Virginia 22030
wporter@blankeith.com

Date: July 15, 2014

_____/s/_____
DENNIS C. BARGHAAN, JR.
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3891
Fax: (703) 299-3983
Email: dennis.barghaan@usdoj.gov

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