

NOTE: This order is nonprecedential.

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

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**SUN PHARMACEUTICAL INDUSTRIES, INC.,  
F/D/B/A CONCERT PHARMACEUTICALS, INC.**  
*Appellant*

v.

**INCYTE CORPORATION,**  
*Appellee*

**KATHERINE K. VIDAL, UNDER SECRETARY OF  
COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE,**  
*Intervenor*

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2019-2011

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2017-  
01256.

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**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

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SUN PHARMACEUTICAL INDUSTRIES, INC. v.  
INCYTE CORPORATION

Before MOORE, *Chief Judge*, LOURIE, LINN<sup>1</sup>, DYK, PROST,  
REYNA, TARANTO, CHEN, HUGHES, STOLL, CUNNINGHAM,  
and STARK, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Sun Pharmaceutical Industries, Inc. filed a combined petition for panel rehearing and rehearing en banc. The petition was referred to the panel that heard the appeal, and thereafter the petition was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue November 16, 2023.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

November 9, 2023  
Date

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<sup>1</sup> Circuit Judge Linn participated only in the decision on the petition for panel rehearing.