

NOTE: This disposition is nonprecedential.

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

**ARCH DEVELOPMENT CORPORATION, DANA-
FARBER CANCER INSTITUTE, INC.,**
Appellants

v.

**OSI PHARMACEUTICALS, LLC, GENENTECH,
INC.,**
Appellees

UNITED STATES,
Intervenor

2018-1485

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2016-
01034.

JUDGMENT

PETER A. SULLIVAN, Foley Hoag LLP, New York, NY,
argued for appellants. Also represented by STEPHEN
KENNY; DEANN FORAN SMITH, Boston, MA.

BRIAN ROBERT MATSUI, Morrison & Foerster LLP,

Washington, DC, argued for all appellees. Appellee Genentech, Inc. also represented by SETH W. LLOYD; MATTHEW A. CHIVVIS, MATTHEW IAN KREEGER, San Francisco, CA.

THOMAS SAUNDERS, Wilmer Cutler Pickering Hale and Dorr LLP, Washington, DC, for appellee OSI Pharmaceuticals, LLC. Also represented by DAVID LANGDON CAVANAUGH, AMANDA L. MAJOR, HEATHER M. PETRUZZI, AMY K. WIGMORE; TIMOTHY ANDREW COOK, EMILY R. WHELAN, Boston, MA.

KATHERINE TWOMEY ALLEN, Appellate Staff, Civil Division, United States Department of Justice, Washington, DC, argued for intervenor. Also represented by MARK R. FREEMAN, SCOTT R. MCINTOSH, JOSEPH H. HUNT; THOMAS W. KRAUSE, JOSEPH MATAL, FARHEENA YASMEEN RASHEED, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, LOURIE and BRYSON, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

May 9, 2019
Date

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