

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOPHARMA LICENSING, INC., INNOPHARMA LICENSING LLC,
INNOPHARMA INC., INNOPHARMA LLC,
MYLAN PHARMACEUTICALS INC., and MYLAN INC.,
Petitioner,

v.

SENJU PHARMACEUTICAL CO., LTD., BAUSCH & LOMB, INC., and
BAUSCH & LOMB PHARMA HOLDINGS CORP.,
Patent Owner.

Case IPR2015-00902 (Patent 8,669,290 B2)
Case IPR2015-00903 (Patent 8,129,431 B2)¹

Before FRANCISCO C. PRATS, ERICA A. FRANKLIN, and
GRACE KARAFFA OBERMANN, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER

Dismissing Motions for Joinder
37 C.F.R. §§ 42.5

¹ This order addresses issues common to both cases; therefore, we issue a single order to be entered in each case. The parties are authorized to use this style heading when filing an identical paper in both proceedings, provided that such heading includes a footnote attesting that “the word-for-word identical paper is filed in each proceeding identified in the heading.”

IPR2015-00902 (Patent 8,669,290 B2)

IPR2015-00902 (Patent 8,129,431 B2)

On March 19, 2015, Petitioner filed motions to join IPR2015-00902 and IPR2015-00903 with, respectively, IPR2014-01043 and IPR2014-01041 (“the related reviews”). The related reviews were initiated by a different Petitioner (“Metrics”). *Metrics, Inc. v. Senju Pharmaceutical Co., Ltd.*, IPR2014-01041 (Paper 6); IPR2014-01043 (Paper 6). This Order addresses Petitioner’s Motions for Joinder.² Concurrently herewith, we issue decisions to institute *inter partes* reviews in the instant proceedings.

On July 8, 2015, after Patent Owner and Metrics filed a joint motion to terminate the related reviews and a joint settlement agreement, we entered an order terminating the related reviews. *Metrics, Inc. v. Senju Pharmaceutical Co., Ltd.*, IPR2014-01041 (Paper 39); IPR2014-01043 (Paper 39). We thus dismiss the Motions for Joinder as moot.

It is

ORDERED that the Motions for Joinder are *dismissed* as moot.

² The Motion for Joinder in IPR2015-00902 was filed as Paper 3. The Motion for Joinder in IPR2015-00903 was filed as Exhibit 0.

IPR2015-00902 (Patent 8,669,290 B2)
IPR2015-00902 (Patent 8,129,431 B2)

PETITIONER:

Jitendra Malik
Bryan L. Skelton
Lance Soderstrom
ALSTON & BIRD LLP
Jitty.Malik@alston.com
bryan.skelton@alston.com
lance.soderstrom@alston.com

PATENT OWNER:

Bryan Diner
M. Andrew Holtman
Justin Hasford
Jonathan R. Stroud
Joshua Goldberg
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
bryan.diner@finnegan.com
andy.holtman@finnegan.com
justin.hasford@finnegan.com
jonathan.stroud@finnegan.com
joshua.goldberg@finnegan.com