UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS LLC,
Petitioner
v.

YEDA RESEARCH AND DEVELOPMENT CO., LTD.,
Patent Owner

Case IPR2015-01980
U.S. PATENT NO. 8,399,413 B2
Issue Date: March 19, 2013
Title: LOW FREQUENCY GLATIRAMER ACETATE THERAPY

PETITIONER'S MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c) AND 37 C.F.R. § 42.22 AND § 42.122(b)

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I. STATEMENT OF PRECISE RELIEF REQUESTED

Amneal Pharmaceuticals LLC ("Amneal") filed the present petition for *inter partes* review IPR2015-01980 (the "Amneal IPR") and respectfully submits this Motion for Joinder. Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Amneal requests institution of an *inter partes* review and joinder with the *inter partes* review concerning the same patent in *Mylan Pharmaceuticals Inc. v. Yeda Research & Development Co. Ltd.*, which is assigned Case No. IPR2015-00644, (the "Mylan IPR"), which was instituted on August 25, 2015.

In accordance with the Board's Representative Order identifying matters to be addressed in a motion for joinder (Paper No. 15, IPR2013-00004, April 24, 2013), Amneal submits that: (1) joinder is appropriate because it will promote efficient determination of the validity of the '413 Patent without prejudice to Mylan Pharmaceuticals Inc. ("Mylan") or Yeda Research & Development Co. Ltd ("Yeda") (See, e.g., Paper No. 10, IPR2013-00256, June 20, 2013 (granting motion for joinder under similar circumstances)); (2) Amneal's Petition raises the same grounds of unpatentability as Mylan's IPR; (3) joinder would not affect the pending schedule in the Mylan IPR nor increase the complexity of that proceeding, minimizing costs; and (4) Amneal is willing to agree to consolidated filings with Mylan to minimize burden and schedule impact.

This Motion for Joinder is timely under 37 C.F.R. §§ 42.22 and 42.122(b), as it is submitted within one month of August 25, 2015, the date on which the Mylan IPR was instituted.

II. STATEMENT OF MATERIAL FACTS

The Amneal IPR and Mylan IPR are among a family of *inter partes* review ("IPR") proceedings relating to three patents that are being asserted by Yeda Research and Development Co., Ltd. ("Yeda"), along with Teva Pharmaceuticals USA, Inc., Teva Pharmaceuticals Industries Ltd., and Teva Neuroscience, Inc., against numerous defendants in the following litigation: *In re Copaxone 40 mg Consolidated Cases*, C.A. No. 14-1171-GMS (consolidated). Accordingly, all petitions for *inter partes* review that have been filed by defendant Mylan and Amneal are timely as prescribed by 35 U.S.C. § 315(b).

Currently, the family of Mylan IPR proceedings relating to the three Yeda patents consists of the following proceedings: IPR2015-00643 (relating to claims 1–20 of U.S. Patent No. 8,232,250); IPR2015-00644 (relating to claims 1–20 of U.S. Patent No. 8,399,413); and IPR2015-00830 (relating to claims 1–12 of U.S. Patent No. 8,969,302).

The petitions for IPR filed by Amneal correspond exactly to the petitions first filed by Mylan against the same patent claims, and are identical to the Mylan

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