

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
Patent 8,399,413 B2

Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and
TINA E. HULSE, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

Amneal Pharmaceuticals LLC (“Petitioner”) filed a Petition (Paper 1), seeking an *inter partes* review of claims 1–20 of U.S. Patent No. 8,399,413 B2 (“the ’399 patent,” Ex. 1001). Along with the Petition, Petitioner filed a Motion for Joinder to join this proceeding with *Mylan Pharmaceuticals Inc. v. Yeda Research & Development Co. Ltd.*, IPR2015-00644. Paper 3. According to Petitioner, its Petition (including the supporting declaration) is substantively identical to the petition filed in IPR2015-00644. *Id.* at 5–7.

During a conference call held on November 19, 2015, Yeda Research and Development Co., Ltd. (“Patent Owner”) stated that it intended to file a Patent Owner Preliminary Response in this case, even though it did not oppose Petitioner’s joinder motion. Paper 7, 2. The panel expedited the briefing schedule and ordered December 8, 2015, as the due date for the Patent Owner Preliminary Response. *Id.* at 3, 5.

In an email communication from Patent Owner to the Board on December 7, 2015, the parties jointly propose that we deem the Patent Owner Preliminary Response filed in IPR2015-00644 as filed and served in the present case. In a responsive email, the panel granted the parties’ request.

ORDER

Accordingly, it is

ORDERED that Patent Owner Preliminary Response (Paper 12) and its accompanying evidence filed in IPR2015-00644 are deemed to have been filed and served in this proceeding on December 8, 2015.

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Patent 8,399,413 B2

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