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*Attorneys for Plaintiffs BTG International Ltd.,  
Janssen Biotech, Inc. Janssen Oncology, Inc., and  
Janssen Research & Development, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

\_\_\_\_\_  
BTG INTERNATIONAL LIMITED,  
JANSSEN BIOTECH, INC., JANSSEN  
ONCOLOGY, INC., JANSSEN RESEARCH  
& DEVELOPMENT, LLC,  
Plaintiffs,

v.

ACTAVIS LABORATORIES FL, INC.,  
AMNEAL PHARMACEUTICALS LLC,  
AMNEAL PHARMACEUTICALS OF NEW  
YORK, LLC, APOTEX CORP., APOTEX  
INC., CITRON PHARMA LLC, DR.  
REDDY'S LABORATORIES, INC., DR.  
REDDY'S LABORATORIES, LTD.,  
MYLAN PHARMACEUTICALS INC.,  
MYLAN, INC., PAR PHARMACEUTICAL,  
INC., PAR PHARMACEUTICAL  
COMPANIES, INC., SUN  
PHARMACEUTICALS INDUSTRIES, LTD.,  
SUN PHARMACEUTICALS INDUSTRIES,  
INC., TEVA PHARMACEUTICALS USA,  
INC., WEST-WARD PHARMACEUTICALS  
CORP., HIKMA PHARMACEUTICALS,  
LLC, WOCKHARDT BIO AG,  
WOCKHARDT USA LLC, WOCKHARDT  
LTD., HETERO USA INC., HETERO LABS  
LIMITED UNIT-V, and HETERO LABS  
LIMITED,

Defendants.  
\_\_\_\_\_

Civil Action No.:  
2:15-cv-05909-KM-JBC

***Document Filed Electronically***

**Return Date: April 4, 2016**

**Oral Argument Requested**

**NOTICE OF PLAINTIFF JANSSEN'S  
MOTION TO SET A HEARING AND  
CORRECT INVENTORSHIP OF U.S.  
PATENT NO. 8,822,438 PURSUANT  
TO 35 U.S.C. § 256**

Amerigen Exhibit 1099

Amerigen v. Janssen IPB 2016 00286

**TO ALL COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that, on April 4, 2016, or as soon thereafter as the Court deems appropriate, Plaintiffs Janssen Biotech, Inc. (“Janssen Biotech”), Janssen Oncology, Inc. (“Janssen Oncology”), and Janssen Research & Development, LLC (“Janssen R&D”) (collectively, “Janssen”) shall move before the Honorable Kevin McNulty, United States District Judge, sitting at the Martin Luther King Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for the entry of an Order pursuant to 35 U.S.C. § 256(b), for an Order directing the United States Patent and Trademark Office (“USPTO”) to issue a certificate correcting inventorship of U.S. Patent No. 8,822,438 (“438 patent”) in order to add Dr. Johann S. de Bono (“Dr. de Bono”) as an inventor, and for leave to file a Second Amended Complaint.

Upon motion, the Court may correct inventorship on “notice and hearing of all parties concerned,” *i.e.*, the omitted inventor, named inventor, and assignees of the patent, but not to accused infringers. *Nichols Institute of Diagnostics, Inc. v. Scantibodies Clinical Lab., Inc.*, 218 F. Supp. 2d 1243, 1250 (S.D. Cal. 2002). Here, three of the concerned parties, Dr. de Bono, BTG International Ltd. (the owner of Dr. de Bono’s inventions) and Janssen (the current assignee) consent to the inventorship change. Notice is being concurrently given to the two named inventors, and Janssen also has no reason to believe that the two named inventors will oppose the proposed correction. Accordingly, the Court should order correction of the ‘438 patent to include Dr. de Bono.

**PLEASE TAKE FURTHER NOTICE** that Janssen shall rely upon the accompanying Brief, Declaration of Keith J. Miller, and all papers submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of order is submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested if the Court so requires.

Dated: March 8, 2016

Respectfully submitted,

s/ Keith J. Miller

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