UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

GENENTECH, INC. AND CITY OF HOPE,
Patent Owners

U.S. Patent No. 6,331,415
Appl. No. 07/205,419, filed June 10, 1998
Issued: Dec. 18, 2001

Title: Methods of Producing Immunoglobulins, Vectors and Transformed Host Cells for Use Therein

---

Inter Partes Review No.: IPR2016-00710

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

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF AUTHORITIES

Cases

Statutes

Regulations

Other Authorities

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioner Mylan Pharmaceuticals Inc. ("Mylan") filed the present petition for *inter partes* review ("the Mylan 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), Mylan requests institution of an *inter partes* review concerning U.S. Patent No. 6,331,415 ("the '415 patent") and joinder with the *inter partes* review concerning the same patent in *Sanofi-Aventis U.S. LLC et al. v. Genentech et al.*, assigned Case No. IPR2015-01624, (the "Sanofi IPR"), which was instituted on February 5, 2016.

In accordance with the Board's Representative Order identifying matters to be addressed in a motion for joinder (*Kyocera Corp. et al. v. Softview LLC*, Paper No. 15, IPR2013-00004, Apr. 24, 2013), Mylan submits that: (1) joinder is appropriate because it will promote efficient determination of the validity of the '415 patent without prejudice to the prior petitioners, Sanofi-Aventis U.S. LLC ("Sanofi") or Regeneron Pharmaceuticals, Inc. ("Regeneron"), or to the owners of the '415 patent, Genentech Inc. ("Genentech") and City of Hope (collectively "Patent Owners"); (2) Mylan's Petition raises the same grounds of unpatentability over the same prior art as those instituted by the Board in the Sanofi IPR; (3) joinder would not affect the pending schedule in the Sanofi IPR nor increase the complexity of that proceeding, thereby minimizing costs; and (4) Mylan is willing to agree to consolidated filings with Sanofi and Regeneron to minimize the burden and the impact on the schedule.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

See, e.g., *Motorola Mobility LLC v. Softview LLC*, Paper No. 10, IPR2013-00256 (June 20, 2013) and *Amneal Pharm., LLC v. Yeda Res. & Dev. Co., Ltd.*, Paper No. 9, IPR2015-01976 (Dec. 28, 2015) (granting motions for joinder under similar circumstances).

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 February 5, 2016, the date on which the Sanofi IPR was instituted.

II. STATEMENT OF MATERIAL FACTS

Mylan requests institution of an *inter partes* review on the '415 patent and asserts the same grounds of unpatentability that were instituted in the Sanofi IPR.

On February 5, 2016, the Board instituted trial on claims 1-4, 11, 12, 14, 18-20, and 33 of the '415 patent in the Sanofi IPR based on two grounds of unpatentability raised by Sanofi and Regeneron. The instant petition for IPR filed by Mylan challenges the same patent claims, contains the same instituted grounds of unpatentability, and those grounds are the same in all substantive aspects as the Sanofi IPR. Both petitions contain the same analysis and exhibits, and rely upon the same expert declaration.[1]

[1] As discussed in greater detail below, though Mylan submitted the Declaration of Kathryn Calame, Ph.D. in connection with its IPR Petition, Mylan only seeks to

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.