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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**BRECKENRIDGE PHARMACEUTICAL, INC.,**  
Petitioner

v.

**NOVARTIS AG,**  
Patent Owner

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*Inter Partes* Review No. 2016-01103

U.S. Patent 5,665,772

**PATENT OWNER NOVARTIS'S OPPOSITION TO  
PETITIONER BRECKENRIDGE'S MOTION FOR JOINDER  
OF ITS PETITION ON CLAIM 7**

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## **I. STATEMENT OF PRECISE RELIEF REQUESTED**

Patent Owner Novartis AG (“Novartis”) opposes the May 26, 2016 joinder motion of Petitioner Breckenridge Pharmaceutical, Inc. (“Breckenridge”). In that motion, Breckenridge seeks to join its petition for IPR2016-01103 (“-1103 petition”) challenging claim 7 of U.S. Patent No. 5,665,772 (“’772 patent”), with Par Pharmaceutical, Inc.’s (“Par”) instituted IPR2016-00084 (“-84 IPR”) challenging claims 1-3 and 8-10 of the ’772 patent.<sup>1</sup>

Breckenridge’s joinder motion should be denied for four reasons.

First, Breckenridge’s May 26, 2016 -1103 petition is time-barred.

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<sup>1</sup> Also:

- Breckenridge moves to join with the -84 IPR its May 10, 2016 petition in IPR2016-01023 (“-1023 petition”) challenging claims 1-3 and 8-10;
- Par moves to join with the -84 IPR its May 17, 2016 petition in IPR2016-01059 (“-1059 petition”) challenging claim 7; and
- Roxane Laboratories, Inc. (“Roxane”) moves to join with the -84 IPR its May 26, 2016 petition in IPR2016-01102 (“-1102 petition”) challenging claims 1-3 and 7-10.

Novartis opposes all such joinder motions.

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