

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS USA,  
INC., and AKORN INC.,<sup>1</sup>  
Petitioners,

v.

ALLERGAN, INC.,  
Patent Owner.

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Case IPR2016-01127 (8,685,930 B2)  
Case IPR2016-01128 (8,629,111 B2)  
Case IPR2016-01129 (8,642,556 B2)  
Case IPR2016-01130 (8,633,162 B2)  
Case IPR2016-01131 (8,648,048 B2)  
Case IPR2016-01132 (9,248,191 B2)

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**Brief Amicus Curiae of the Seneca Nation  
in Support of the Patent Owner, Saint Regis Mohawk Tribe**

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<sup>1</sup> Cases IPR2017-00576 and IPR2017-00594, IPR2017-00578 and IPR2017-00596, IPR2017-00579 and IPR2017-00598, IPR2017-00583 and IPR2017-00599, IPR2017-00585 and IPR2017-00600, and IPR2017-00586 and IPR2017-00601 have respectively been joined with the captioned proceedings. The word-for-word identical paper is filed in each proceeding identified in the caption pursuant to the Board's Scheduling Order (Paper 10).

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## STATEMENT OF INTEREST

The Seneca Nation is a sovereign Indian nation comprised of more than 8,000 citizens, whom occupy five territories (Allegany, Cattaraugus, Oil Springs, Niagara Falls, and Buffalo Creek) in Western New York, over which the Nation exercises its governing authority. The Nation is part of the historic Six Nations Confederacy and has governed itself in accordance with a written constitution establishing a tripartite form of government consisting of legislative, executive, and judicial functions since 1848. The Nation is a federally recognized Indian nation. Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 82 Fed. Reg. 4915, 4918 (Jan. 17, 2017)

The Nation hereby submits this amicus brief in response to the Patent Trial and Appeal Board (PTAB) request for briefing from amicus curiae, Paper No. 96 (Nov. 3, 2017), pursuant to 37 CFR § 42.20(d), in order to address incorrect legal assertions made regarding the indispensable party analysis as it applies to tribal sovereigns. The Nation has the strongest interest in assuring the doctrine of sovereign immunity as applied to Indian nations is understood and respected in federal legal and administrative proceedings. It is of significant importance that this Board adhere to the longstanding practices of the application of the indispensable party analysis and criteria in regards to Indian nations.

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