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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

JANSSEN ONCOLOGY, INC.,
Patent Owner

Case IPR2016-01332
Patent 8,822,438

**JANSSEN ONCOLOGY, INC.'S OPPOSITION TO MOTION FOR
JOINDER PURSUANT TO 35 U.S.C. § 315(c) AND 37 C.F.R. § 42.122(b)**

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I. INTRODUCTION

Patent Owner Janssen Oncology, Inc. (“Janssen”) respectfully requests that the Board deny Petitioner Mylan Pharmaceutical Inc.’s (“Mylan”) motion for joinder of IPR2016-01332 (the “Mylan IPR”) with IPR2016-00286 (the “Amerigen IPR”). The Mylan IPR and the Amerigen IPR are both directed to U.S. Patent No. 8,822,438 (the “438 patent”).

As explained in detail below, the Board should deny Mylan’s motion because it introduces new exhibits, including two new expert declarations, that unduly complicate the Amerigen proceeding and will prejudice Janssen. Mylan also fails to specify how its petition differs from Amerigen’s petition and it cites no Board decisions to support what it seeks to do here—rely on *new* expert testimony to support the petition that it seeks to join.

II. FACTUAL BACKGROUND

On July 31, 2015, Janssen filed a patent infringement lawsuit against Mylan, and other defendants, in the District of New Jersey in response to Mylan’s submission of an Abbreviated New Drug Application (“ANDA”) to the United States Food and Drug Administration. Through this ANDA, Mylan seeks approval to market a generic version of Janssen’s ZYTIGA® (abiraterone acetate) Tablets

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