

**Filed On Behalf Of:**

Novartis AG and Par Pharmaceutical, Inc.

**By:**

Nicholas N. Kallas  
NKallas@fchs.com  
ZortressAfinitorIPR@fchs.com  
(212) 218-2100

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

PAR PHARMACEUTICAL, INC.,  
ARGENTUM PHARMACEUTICAL LLC, AND  
WEST-WARD PHARMACEUTICALS  
INTERNATIONAL LIMITED  
Petitioners,

v.

NOVARTIS AG  
Patent Owner

---

Case IPR2016-01479<sup>1</sup>  
Patent No. 9,006,224

---

**PAR AND NOVARTIS'S JOINT MOTION TO TERMINATE  
IPR AS TO PAR PURSUANT TO 35 U.S.C. § 317**

---

<sup>1</sup> Argentum Pharmaceutical LLC was joined as a party to this proceeding via a Motion for Joinder in IPR2017-01063; West-Ward Pharmaceuticals International Limited was joined as a party via a Motion for Joinder in IPR2017-01078.

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, and pursuant to the authorization to file this motion provided by the Board in an email dated January 11, 2018, Petitioner Par Pharmaceutical, Inc. (“Par”) and Patent Owner Novartis AG (“Novartis”) jointly request the termination of this *inter partes* review of U.S. Patent No. 9,006,224 as to Petitioner Par. Petitioners Argentum Pharmaceutical LLC and West-Ward Pharmaceuticals International Limited are not parties to this motion.

Par and Novartis have settled their dispute, and have reached agreement to terminate this *inter partes* review as to Par. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), the parties’ settlement agreement has been made in writing, and a true and correct copy is being filed concurrently herewith as Exhibit 2118. The parties are also filing concurrently herewith a joint request to treat the settlement agreement as business confidential information and keep it separate from the files of the IPR and the involved patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b).

Termination of this *inter partes* review as to Par is proper under 35 U.S.C. § 317(a) because the Board has not yet decided the merits of the proceeding.

No other party’s rights will be prejudiced by the termination of this *inter partes* review as to Par. Two other parties remain in this *inter partes* review. They are Argentum Pharmaceutical LLC and West-Ward Pharmaceuticals International

Limited. Argentum Pharmaceutical LLC was joined as a party to this proceeding via a Motion for Joinder in IPR2017-01063 and West-Ward Pharmaceuticals International Limited was joined as a party via a Motion for Joinder in IPR2017-01078. These parties' rights will not be impacted by the termination of this *inter partes* review as to Par.

There is pending litigation relating to this patent between Novartis and other parties in the following actions: *Novartis Pharms. Corp. v. West-Ward Pharms. Int'l Ltd.*, No. 15-474RGA (D. Del.) (final judgment entered against West-Ward Pharms. on December 21, 2017) and *Novartis Pharms. Corp. v. Teva Pharms. USA, Inc.*, No. 17-393-RGA (D. Del.). None of these other parties' rights will be impacted by the termination of this *inter partes* review as to Par.

For the foregoing reasons, Par and Novartis respectfully jointly request that this *inter partes* review proceeding be terminated as to Par.

Respectfully submitted,

Dated: January 23, 2018

/Nicholas N. Kallas/  
Nicholas N. Kallas  
Registration No. 31,530  
Lead Counsel for Patent Owner  
FITZPATRICK, CELLA, HARPER  
& SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Tel. 212-218-2100

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing PAR AND NOVARTIS'S JOINT MOTION TO TERMINATE IPR AS TO PAR PURSUANT TO 35 U.S.C. § 317 was served on January 23, 2018 by causing it to be sent by email to counsel for Petitioners at the following email addresses:

Daniel G. Brown (daniel.brown@lw.com)

Jonathan M. Strang (jonathan.strang@lw.com)

Brenda L. Danek (brenda.danek@lw.com)

Kevin Laurence (klaurence@lpiplaw.com)

Matthew Phillips (mphilips@lpiplaw.com)

Tyler C. Liu (tliu@agpharm.com)

Keith A. Zullo (kzullo@goodwinprocter.com)

Marta E. Delsignore (mdesignore@goodwinprocter.com)

Dated: January 23, 2018

/Nicholas N. Kallas/  
Nicholas N. Kallas  
Registration No. 31,530  
Lead Counsel for Patent Owner  
FITZPATRICK, CELLA, HARPER  
& SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Tel. 212-218-2100