

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FAMY CARE LIMITED

Petitioner

v.

ALLERGAN, INC.

Patent Owner

U.S. Patent No. 9,248,191 B2 to Acheampong *et al.*

Issue Date: February 2, 2016

Title: Methods of Providing Therapeutic Effects Using Cyclosporin Components

Inter Partes Review Trial No. 2017-00569

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

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I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioner Famy Care Limited (“Famy Care” or “Petitioner”) filed the present petition for *inter partes* review (“the Famy Care 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), Famy Care requests institution of an *inter partes* review concerning U.S. Patent No. 9,248,191 B2, which issued on February 2, 2016, to Acheampong *et al.* (“the ‘191 patent”) and joinder with the *inter partes* review concerning the same patent in *Mylan Pharmaceuticals, Inc. v. Allergan, Inc.*, assigned Case No. IPR2016-01132, (the “Mylan IPR”), which was instituted on December 8, 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, IPR2013-0004, Apr. 24, 2013), Petitioner submits that: (1) joinder is appropriate because it will promote efficient determination of the validity of the ‘191 patent without prejudice to the prior petitioners, Mylan Pharmaceuticals, Inc. (“Mylan”), or to the owners of the ‘191 patent, Allergan, Inc. (“Allergan” or “Patent Owner”); (2) Famy Care’s Petition raises virtually the same grounds of unpatentability over the same prior art references as those instituted by the Board in the Mylan IPR; (3) joinder would not affect the pending schedule in the Mylan IPR nor unduly increase the complexity of that proceeding, thereby minimizing costs; and (4) Petitioner is willing to agree to consolidated discovery of Patent Owner witnesses with Mylan to minimize

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