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Filed on behalf of Akorn Inc.

By: Michael R. Dzwonczyk

Azy S. Kokabi Travis B. Ribar

Sughrue Mion, PLLC

2100 Pennsylvania Ave., NW

Washington, DC 20037

Telephone: 202-293-7060 Facsimile: 202-293-7860

email: mdzwonczyk@sughrue.com

<u>akokabi@sughrue.com</u> <u>tribar@sughrue.com</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AKORN INC. Petitioner

v.

ALLERGAN, INC.
Patent Owner

Case No. IPR2017-00600 Patent No. 8,648,048

PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,648,048

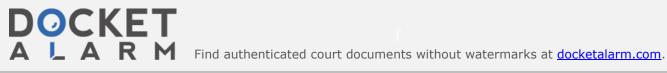


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I. INTRODUCTION

On December 8, 2016, the Board instituted IPR2016-01131, stating that there was a reasonable likelihood that claims 1-23 of U.S. Patent No. 8,648,048 to Acheampong *et al.* ("the '048 patent," EX1001) are unpatentable based as obvious. *Mylan Pharm., Inc. v. Allergan, Inc.*, IPR2016-01131, slip op. at 22 (PTAB December 8, 2016) (Paper 8). The present Petition presents the same grounds of unpatentability and the same arguments and evidence as the Petition in IPR2016-01131. The present Petitioner has received permission from Mylan Pharmaceuticals, Inc., the petitioner in IPR2016-01131, to rely upon the same expert. The present Petition is substantially identical to the Petition filed in IPR2016-01131. Accordingly, it is believed that the present Petition should be granted for the same reasons that the Board instituted IPR2016-01131.

In particular, Akorn Inc. ("Petitioner") requests review of the '048 patent that issued on February 11, 2014. PTO records indicate the '048 patent is assigned to Allergan, Inc. ("Patent Owner"). This Petition demonstrates that there is a reasonable likelihood that claims 1-23 of the '048 patent are unpatentable for failure to distinguish over prior art. Additional petitions are being filed to address related patents that are assigned to Patent Owner. All challenged patents are continuations from the patent family and are terminally disclaimed over one



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