

Filed: February 8, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTAVIS LABORATORIES FL, INC., AMNEAL PHARMACEUTICALS LLC,  
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC, DR. REDDY'S  
LABORATORIES, INC., DR. REDDY'S LABORATORIES, LTD., SUN  
PHARMACEUTICALS INDUSTRIES, LTD., SUN PHARMACEUTICALS  
INDUSTRIES, INC., TEVA PHARMACEUTICALS USA, INC., WEST-WARD  
PHARMACEUTICAL CORP., and HIKMA PHARMACEUTICALS, LLC

Petitioners

v.

JANSSEN ONCOLOGY, INC.,

Patent Owner

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U.S. Patent No. 8,822,438 to Auerbach et al.

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*Inter Partes* Review IPR2017-00853

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**MOTION FOR JOINDER WITH RELATED INSTITUTED *INTER PARTES*  
REVIEW OF U.S. PATENT NO. 8,822,438 PURSUANT TO 35 U.S.C. §  
315(c), 37 C.F.R. 42.22 AND 42.112(b)**

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## **I. STATEMENT OF PRECISE RELIEF REQUESTED**

Petitioners Actavis Laboratories FL, Inc., Amneal Pharmaceuticals LLC, Amneal Pharmaceuticals Of New York, LLC, Dr. Reddy's Laboratories, Inc., Dr. Reddy's Laboratories, Ltd., Sun Pharmaceuticals Industries, Ltd., Sun Pharmaceuticals Industries, Inc., Teva Pharmaceuticals USA, Inc., West-Ward Pharmaceutical Corp., and Hikma Pharmaceuticals, LLC ("Petitioners") hereby move for joinder and/or consolidation of its today-filed petition for *Inter Partes* Review ("IPR") of claims 1-20 of U.S. Patent No. 8,822,438 ("the '438 patent") with a previously instituted and currently pending IPR by *Mylan Pharmaceuticals Inc., v. Janssen Oncology, Inc.* case number IPR2016-01332 ("Mylan IPR").

The Mylan IPR was instituted on January 10, 2017, on the same patent and the same claims as Petitioners' Petition (the "Petition") filed today. Further, the Petition and supporting expert declarations are identical to the petition and declarations submitted in the Mylan IPR. Petitioners here assert that the same claims are obvious over the same prior art based on the same arguments presented by the same experts as the Mylan IPR petitioner.

The Mylan IPR petitioner has informed Petitioners that it supports joinder and that it will coordinate with Petitioners to avoid duplicative briefing on overlapping issues. Joinder will not cause any delay in the resolution of the Mylan IPR. Joinder, therefore, is appropriate because it will promote the efficient and consistent

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