

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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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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Case IPR2017-00853  
Patent 8,822,438

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**JANSSEN ONCOLOGY, INC.'S WAIVER OF PRELIMINARY RESPONSE  
PURSUANT TO 37 C.F.R. §42.107(b)**

IPR2017-00853  
Patent 8,822,438

Pursuant to 37 C.F.R. §42.107(b), Patent Owner Janssen Oncology, Inc. (“Janssen”) hereby elects to waive its Patent Owner Preliminary Response to the Petition filed in the above-captioned proceeding (IPR2017-00853).

As indicated in the Trial Practice Guide, no adverse inference should be taken by this election. Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48764 (August 14, 2012). Thus, this election should not be deemed a waiver or admission on the part of Janssen of any material presented in the Petition.

Date: Mar. 23, 2017

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **JANSSEN ONCOLOGY INC.'S WAIVER OF PRELIMINARY RESPONSE PURSUANT TO 37 C.F.R. §42.107(b)** was served on counsel of record on March 23, 2017 by filing this document through the End-to-End System, as well as delivering a copy via electronic mail to counsel of record for the Petitioners at the following addresses:

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Date: Mar. 23, 2017

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