

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

NOVARTIS AG,
Patent Owner.

Case IPR2017-01063
Patent 9,006,224

MOTION FOR JOINDER
35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b)

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I. STATEMENT OF PRECISE RELIEF REQUESTED

Petitioner Argentum Pharmaceuticals LLC (“Argentum” or “Petitioner”) respectfully requests joinder pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b) of the above-captioned *inter partes* review (“Argentum IPR”) with the pending *inter partes* review involving the same patent and the same grounds of invalidity in *Par Pharmaceutical, Inc. v. Novartis AG*, IPR2016-01479 (“Par IPR”), which was instituted on February 15, 2017. Joinder is appropriate because it will promote efficient and consistent resolution of the validity of a single patent and will not prejudice any of the parties to the Par IPR.

This Motion for Joinder is timely under 37 C.F.R. §§ 42.22 and 42.122(b), as it is submitted no later than one month after February 15, 2017, the date on which the Par IPR was instituted.

II. BACKGROUND

On July 22, 2016, Par filed a Petition for *inter partes* review challenging claims 1-3 of U.S. Patent No. 9,006,224 (the “224 patent”), which was assigned Case No. IPR2016-01479. The Board instituted review on claims 1–3 on the following four grounds:

- (1) Claims 1–3 are unpatentable under 35 U.S.C. § 103 as obvious over Oberg 2004 (Ex. 1027) in combination with Boulay 2004 (Ex. 1005) and O’Donnell (Ex. 1029).
- (2) Claim 2 is unpatentable under 35 U.S.C. § 103 as obvious over Oberg 2004 (Ex. 1027) in combination with Boulay 2004 (Ex. 1005) and O’Donnell (Ex. 1029), in further view of Taberbero (Ex. 1038).
- (3) Claims 1–3 are unpatentable under 35 U.S.C. § 103 as obvious over Boulay 2004 (Ex. 1005), O’Donnell (Ex. 1029), and Duran (Ex. 1011).
- (4) Claim 2 is unpatentable under 35 U.S.C. § 103 as obvious over Boulay 2004 (Ex. 1005), O’Donnell (Ex. 1029), and Duran (Ex. 1011), in further view of Taberbero (Ex. 1038).

The accompanying Petition filed by Argentum presents only the identical grounds on which the Par IPR was instituted.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

The Leahy-Smith America Invents Act (“AIA”) permits joinder of *inter partes* review proceedings. The statutory provision governing joinder of *inter partes* review proceedings is 35 U.S.C. § 315(c), which reads as follows:

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