

Filed On Behalf Of:

Novartis AG

By:

Nicholas N. Kallas
NKallas@fchs.com
ZortressAfinitorIPR@fchs.com
(212) 218-2100

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
Petitioner

v.

NOVARTIS AG,
Patent Owner

Inter Partes Review No. 2017-01063

U.S. Patent 9,006,224

**PATENT OWNER NOVARTIS'S RESPONSE TO
PETITIONER ARGENTUM'S MOTION FOR JOINDER**

Patent Owner Novartis AG (“Novartis”) does not oppose the March 10, 2017 joinder motion of Argentum Pharmaceuticals LLC (“Argentum”). Nevertheless, to advance the “just, speedy, and inexpensive resolution” of joint proceedings, Novartis respectfully requests that the Board order Argentum in joint proceedings (i) to rely solely on the petition and the evidence filed by Par in IPR2016-01479; (ii) to consolidate all briefing under the page limits of 37 C.F.R. § 42.24 and to share the pages that are allotted for written work product to Par in IPR2016-01479; and (iii) to share with Par the time that is or will be allotted for cross and redirect examination to Par in the IPR2016-01479.

Precedent exists for those limitations. *See, e.g., Bungie, Inc. v. Acceleration Bay, LLC*, IPR2016-00934, Paper 11 (July 8, 2016) at 13-14 (granting Bungie’s motion for joinder, ordering that petitioners consolidate all briefing under the page limits of 37 C.F.R. § 42.24, and ordering that Bungie not file any additional pages to address points of disagreement with the Activision petitioners without first moving for and obtaining the Board’s permission); *ZTE USA, Inc. v. Evolved Wireless LLC*, IPR2016-01280, Paper 8 (Dec. 21, 2016) at 4 (consolidating identical IPR petitions *sua sponte*, and ordering that petitioners “will share all time permitted for depositions and will file all papers, except for papers that do not involve the other petitioner, as a consolidated paper, and that consolidated papers will not be given additional pages or words unless otherwise authorized by the

Board.”). *Cf. Teva Pharms. USA, Inc. v. Viiv Healthcare Co.*, IPR2015-00550, Paper 11 (June 25, 2015) at 6 (denying joinder where joinder raised the prospect that the parties and the Board would have to manage burdensome additional pages of briefing).

Respectfully submitted,

Dated: April 10, 2017

/Nicholas N. Kallas/
Nicholas N. Kallas
Registration No. 32,530
Lead Counsel for Patent Owner
FITZPATRICK, CELLA, HARPER
& SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Tel. 212-218-2100

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Patent Owner Novartis's Response To Petitioner Argentum's Motion For Joinder Of Its Petition was served on April 10, 2017 by causing it to be sent by email to counsel for Petitioner Argentum Pharmaceuticals LLC in IPR2017-01063 and Petitioner Par Pharmaceutical, Inc. in IPR2016-01479 at the following email addresses:

Argentum Pharmaceuticals LLC

Kevin B. Laurence (klaurence@lpiplaw.com)

Matthew C. Philips (mphilips@lpiplaw.com)

Tyler Liu (tliu@agpharm.com)

Par Pharmaceutical, Inc.

Daniel Brown (daniel.brown@lw.com)

Jonathan M. Strang (jonathan.strang@lw.com)

Dated: April 10, 2017

/Nicholas N. Kallas/

Nicholas N. Kallas

Registration No. 32,530

Lead Counsel for Patent Owner

FITZPATRICK, CELLA, HARPER
& SCINTO

1290 Avenue of the Americas

New York, NY 10104-3800

Tel. 212-218-2100