

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Aurobindo Pharma USA Inc.
Petitioner

v.

Andrx Labs, LLC,
Teva Pharmaceuticals USA INC., and Shionogi Inc.
Patent Owner.

Case IPR2017-01648

U.S. Patent No.: 6,866,866
to Chen et al.

Issue Date: March 15, 2005

Title: Controlled Release
Metformin Compositions

JOINT MOTION TO LIMIT THE PETITION

Pursuant to the Board's May 9, 2018 Order regarding Conduct of the Proceedings (Paper No. 20) and the authorization by the Board for the parties to file within one week of the date of the Order a Joint Motion to Limit the Petition to either remove claims or grounds (or both) upon which institution did not occur in the institution decision, Petitioner and Patent Owner hereby submit this Joint Motion to Limit the Petition to the actual Ground of Institution set forth at Paper No. 12 (instituting on Ground 3, Obviousness of claims 1-25 over Timmins and Cheng, p. 15).

Respectfully Submitted,

Date: May 16, 2018

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For Petitioner Aurobindo Pharma USA Inc.

Date: May 16, 2018

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For Patent Owner Andrx Labs, LLC

CERTIFICATE OF SERVICE

I hereby certify that, on May 16, 2018, I caused a true and correct copy of the foregoing materials:

JOINT MOTION TO LIMIT THE PETITION

to be served through the Patent Trial and Appeal Board End to End System as well as delivering a copy via electronic mail upon the following attorneys of record for Patent Owner as well:

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