

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIPLA LTD.,
Petitioner

v.

ABRAXIS BIOSCIENCE, LLC,
Patent Owner

Case IPR2018-00164
Patent 8,138,229 B2
Issued: March 20, 2012

Title: COMPOSITIONS AND METHODS OF
DELIVERY OF PHARMACOLOGICAL AGENTS

MOTION FOR JOINDER
Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b)

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I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioner Cipla Ltd. respectfully requests its petition for *Inter Partes* Review of claims 1–48 of U.S. Patent No. 8,138,229 B2 (the “’229 patent”) (the “Cipla Petition”), be granted and joined pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b) with the petition for *inter partes* review filed by Actavis LLC concerning the ’229 patent: *Actavis LLC v. Abraxis Bioscience, LLC*, IPR2017-01104 (the “Actavis Petition”). Cipla timely submits this request for joinder less than one month after the institution of the Actavis Petition by the Patent Trial and Appeal Board (the “Board”). *See* 37 C.F.R. § 42.122(b).

The Board instituted review of the Actavis Petition on October 10, 2017. The Cipla Petition is identical to the Actavis Petition in all substantive respects, includes identical exhibits to the Actavis Petition, and relies upon the same expert declarant as the Actavis Petition.¹ Actavis does not oppose this motion. As such, institution and joinder will not create an additional burden for the Board and will lead to efficient resolution of the *inter partes* review proceeding.

¹ Cipla relies on an expert declaration that is substantively identical to the Actavis expert declaration, except for a single sentence that indicates that Cipla has retained Cory J. Berkland, Ph.D. *See* EX1002 ¶ 1.

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