

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMNEAL PHARMACEUTICALS LLC AND  
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC,  
Petitioner,

v.

ALLERGAN, INC.,  
Patent Owner.

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Case IPR2018-00608  
Patent 9,161,926 B2

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Before GRACE KARAFFA OBERMANN, SHERIDAN K. SNEDDEN,  
and CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

IPR2018-00608  
Patent 9,161,926 B2

Petitioner supports its Petition with information to show that U.S. Patent No. 9,161,926 B2 (“the ’926 patent”) is listed in the FDA’s Orange Book as a drug product patent related to the now-approved ACZONE® Gel, 7.5% product. Pet. 7; Ex. 1033.

During oral argument, counsel for Patent Owner indicated that Petitioner was served with a copy of a letter from the Patent Owner to the FDA that requested delisting of the ’926 patent (Ex. 3001; “FDA Letter”) as a patent that covers the ACZONE® Gel, 7.5% product. Paper 48, 46:8. Also during oral argument, Patent Owner requested entry of the FDA Letter into the record. *Id.* at 47, 7–11. Petitioner indicated that it does not oppose Patent Owner’s request. *Id.* at 47, 15.

In an email to the Board dated June 5, 2019, Patent Owner provided the panel with a copy of the Letter to the FDA Requesting Delisting of the ’926 Patent (Ex. 3001) and requested entry of the letter into the record.

Having considered the parties positions and nature of the request, summarized above, Patent Owner’s request is hereby granted and the aforementioned FDA Letter is entered into the record as Ex. 3001.

It is

SO ORDERED.

IPR2018-00608  
Patent 9,161,926 B2

PETITIONER:

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