

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS LLC and AMNEAL
PHARMACEUTICALS OF NEW YORK, LLC
Petitioners,

v.

ALMIRALL, LLC,
Patent Owner.

Case IPR2019-00207¹
Patent 9,517,219 B2

Before SUSAN L. C. MITCHELL, CHRISTOPHER G. PAULRAJ, and
RYAN H. FLAX, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

ORDER

Adjusting One-Year Pendency Due to Joinder
35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)

¹ Case IPR2019-01095 has been joined with this proceeding.

Almirall, LLC is the owner of U.S. Patent 9,517,219 B2 (“the ’219 patent”). Amneal Pharmaceuticals LLC and Amneal Pharmaceuticals of New York, LLC filed a Petition requesting *inter partes* review of claims 1–8 of the ’219 patent and we instituted trial in this matter on May 10, 2019. Paper 13. On November 27, 2019, we joined Petitioner Mylan Pharmaceuticals Inc. from IPR2019-01095 to this proceeding. Paper 35.

Pursuant to 35 U.S.C. § 316(a)(11), “the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director . . . may adjust the time periods in this paragraph in the case of joinder under section 315(c).” The Director has delegated the authority to adjust the one-year period to the Board. *See* 37 C.F.R.

§ 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides:

An inter partes review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be . . . adjusted by the Board in the case of joinder.

In accordance with 37 C.F.R. § 42.100(c), the Board adjusts the time of pendency before the Board in the present proceedings, which involve joinder, beyond one year after institution to permit the Board to consider and determine the pending issues. The Board shall issue a Final Written Decision in these proceedings no later than June 5, 2020.

Accordingly it is

ORDERED that the time of pendency in this proceeding, which involves joinder, is adjusted beyond one year after institution; and

FURTHER ORDERED that the Board shall issue a Final Written Decision in these proceedings no later than June 5, 2020.

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