IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS LLC, and AMNEAL PHARMACEUTICALS OF NEW YORK, LLC, and MYLAN PHARMACEUTICALS INC.,

Petitioners

v.

ALMIRALL, LLC, Patent Owner

Case IPR2019-00207¹ Patent 9,517,219

PATENT OWNER'S REQUEST FOR A REHEARING UNDER 37 C.F.R. § 42.71(d)

¹ Cases IPR2019-00207 and IPR2019-01095 have been joined in this proceeding.



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<i>IPLearn-Focus, LLC v. Microsoft Corp.</i> , 14-cv-00151, D.I. 67 (N.D. Cal. Dec. 12, 2014)	5, 8



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Microsoft Corp. v. Uniloc 2017 LLC, IPR2019-01125, Paper 8 (P.T.A.B. Nov. 27, 2019)	8
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