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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MSN LABORATORIES PRIVATE LTD. AND MSN PHARMACEUTICALS INC.
Petitioners

v.

BAUSCH HEALTH IRELAND LIMITED,
Patent Owner

Case No. IPR2023-00016
Patent No. 7,041,786

MOTION FOR JOINDER
PURSUANT TO 35 U.S.C. § 315(c) AND 37 C.F.R. § 42.122(b)

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I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioners MSN Laboratories Private Ltd. and MSN Pharmaceuticals Inc. (collectively “Petitioners” or “MSN”) respectfully request joinder pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b) of the above-captioned *inter partes* review directed to Claims 1-6 of U.S. Patent No. 7,041,786¹ (hereinafter “MSN IPR”) with the pending *inter partes* review concerning the same patent and the same grounds of invalidity in *Mylan Pharmaceuticals Inc. v. Bausch Health Ireland Limited*, Case No. IPR2022-00722 (hereinafter “Mylan IPR”), which was instituted on September 14, 2022. (IPR2022-00722, Paper No. 16 (“Inst. Dec.”)).

MSN requests that this Motion for Joinder of Claims 1-6 be granted, as the arguments and substance in MSN's Petition are substantially the same as the arguments and substance of the petition filed in the Mylan IPR. (IPR2022-00722, Paper No. 1 (“Mylan Petition”). Joinder is appropriate because it will promote an efficient and consistent resolution of the patentability of the '786 patent and will not prejudice any of the parties to the instituted Mylan IPR. This Motion for Joinder is timely under 37 C.F.R. §§ 42.22 and 42.122(b), as it is submitted within one month of September 14, 2022, the date of institution of the Mylan IPR.

¹ U.S. Patent No. 7,041,786 (hereinafter “the '786 patent”) is purportedly assigned to Bausch Health Ireland Limited.

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