

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX INC.,
Petitioners

v.

NOVO NORDISK A/S,
Patent Owner

Case IPR2024-00631
Patent 10,335,462

**PATENT OWNER'S OPPOSITION TO PETITIONER'S
MOTION FOR JOINDER**

TABLE OF CONTENTS

I. Petitioner Does Not Establish Good Cause For Its Untimely Joinder Motion	1
II. Petitioner’s Request For Consolidation of IPRs On Different Timelines Is Nonsensical	9

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Apple Inc. v. Evolved Wireless, LLC</i> , IPR2016-01209, Paps. 7 & 8 (Dec. 21, 2016).....	10
<i>Dr. Reddy's Labs., Inc. v. Novo Nordisk A/S</i> , IPR2024-00009, Pap.12 (Nov. 20, 2023)	3, 9
<i>GlobalFoundries U.S. Inc. v. Godo Kaisha IP Bridge 1</i> , IPR2017-00925, Pap.13 (June 9, 2017).....	7
<i>Google Inc. v. Personalweb Techs., LLC</i> , IPR2014-00978, Pap.11 (Oct. 30, 2014)	2, 4
<i>LG Elecs. Inc. v. Jawbone Innovations, LLC</i> , IPR2023-01110, Pap.3 (June 23, 2023).....	10
<i>Mylan Pharms. Inc. v. Novo Nordisk A/S</i> , IPR2023-00724, Pap.14 (Nov. 9, 2023)	9
<i>Roche Molecular Systems Inc. v. Illumina, Inc.</i> , IPR2015-01091, Pap.18 (Oct. 30, 2015)	6
<i>Shaw Indus. Grp., Inc. v. Automated Creel Sys., Inc.</i> , IPR2013-00584, Pap.20 (Dec. 31, 2013).....	2, 4, 5
<i>Sony Corp. of Am. v. Network-1 Security Sols.</i> , IPR2013-00495, Pap.13 (Sept. 16, 2013).....	7
<i>Sony Elecs. Inc. v. Jawbone Innovations, LLC</i> , IPR2023-01110, Pap.12 (Feb. 9, 2024)	10
<i>Sony Elecs. Inc. v. Jawbone Innovations, LLC</i> , IPR2023-01119, Pap.14 (Feb. 9, 2024).....	10
<i>Sony Elecs. Inc. v. Jawbone Innovations, LLC</i> , IPR2023-01119, Pap.3 (June 23, 2023).....	10

<i>Sun Pharm. Ltd. v. Novo Nordisk A/S</i> , IPR2024-00009, Pap.8 (Nov. 28, 2023)	3, 9
<i>TrickleStar LLC v. Embertec Pty Ltd.</i> , IPR2017-00839, Pap.11 (June 10, 2017).....	4
<i>ZTE (USA) Inc. v. Evolved Wireless LLC</i> , IPR2016-01277, Pap.8 (Dec. 21, 2016).....	10
Other Authorities	
37 C.F.R. §41.122	1
37 C.F.R. §42.5(b)	1
37 C.F.R. §42.20(c).....	2
37 C.F.R. §42.53	9

Patent Owner Novo Nordisk A/S (“PO”) submits this Opposition to Petitioner’s four-month-late Motion for Joinder (“Motion”/Pap.5) and its alternative request to “consolidate” its late proceeding with IPR2023-00724 (the “Mylan IPR”)—an IPR in which a POR has already been filed, and in which a Reply and Sur-Reply would be filed, and oral argument presented, long before any institution decision would even be due in this case.

I. Petitioner Does Not Establish Good Cause For Its Untimely Joinder Motion

No special circumstances exist that would justify waiver of the one-month time period for requesting joinder. *See* 37 C.F.R. §42.5(b). Petitioner filed its copycat petition and motion for joinder on March 1, 2024, almost four months after the deadline to move to join IPR2023-00724, and about a month and a half after the Patent Owner Response was filed in IPR2023-00724. 37 C.F.R. §41.122.¹

¹ Petitioner’s motion for joinder was, itself, also unauthorized as it was not filed within the Rule 41.122(b) deadline, and Petitioner has not sought (nor shown the required basis for) permission to file its motion out of time.

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