

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALEMBIC PHARMACEUTICALS LIMITED
Petitioner

v.

UCB PHARMA GMBH
Patent Owner

Patent No. 6,858,650
Filing Date: November 15, 2000
Issue Date: February 22, 2005
Title: STABLE SALTS OF NOVEL DERIVATIVES
OF 3,3-DIPHENYLPROPYLAMINES

Inter Partes Review No. IPR2016-01596

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

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157 Cong. Rec. S1376 (daily ed. Mar. 8, 2011) (statement of Sen. Kyl)5, 7

Frequently Asked Question H5, <https://www.uspto.gov/patents-application-process/appealing-patent-decisions/trials/patent-review-processing-system-prps-0#heading-13> (last visited Aug. 17, 2016)4

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Alembic Pharmaceuticals Limited (“Alembic”) respectfully submits this Motion for Joinder pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), together with a Petition for *Inter Partes* Review (“Alembic’s Petition” or “Petition”) of U.S. Patent No. 6,858,650 (“the ’650 Patent”). Alembic requests institution of the Petition and joinder with the proceeding styled *Mylan Pharmaceuticals, Inc. et al. v. UCB Pharma GmbH*, Case IPR2016-00510 (“IPR 510”), instituted on July 20, 2016, concerning the ’650 Patent. This Motion is timely submitted within one month of the July 20, 2016 institution date of IPR 510. *See* 37 C.F.R. §§ 1.7(a), 42.1(a).

In accordance with prior decisions granting joinder, Alembic submits that its Petition is substantively identical to the corrected petition filed by Mylan in IPR 510 (“Mylan Petition”) in that Alembic’s Petition: (1) identifies identical grounds of rejection, (2) contains identical arguments and prior art combinations for each of the grounds of rejection, (3) references the same exhibits, and (4) relies on the same expert declarations. *See* IPR 510, Paper 4. Alembic’s Petition does not introduce any new prior art or arguments, and joinder would not affect the completion of IPR 510 in accordance with the Scheduling Order set forth in that proceeding. *See id.* at Paper 13. To the contrary, joinder will promote administrative efficiency and ensure efficient and consistent resolution of the

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