

Filed On Behalf Of:

Novartis Pharmaceuticals Corporation

By:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEST-WARD PHARMACEUTICALS INTERNATIONAL LIMITED,
Petitioner,

v.

NOVARTIS PHARMACEUTICALS CORPORATION,
Patent Owner.

Case IPR2018-00507
Patent 8,410,131

**PATENT OWNER NOVARTIS'S RESPONSE TO
PETITIONER WEST-WARD'S MOTION FOR JOINDER**

Patent Owner Novartis Pharmaceuticals Corporation (“Novartis”) does not oppose the January 17, 2018 joinder motion of West-Ward Pharmaceuticals International Limited (“West Ward”) on the conditions regarding the conduct of the joint proceeding set forth in West-Ward’s joinder motion: (i) West-Ward will act as a silent understudy in the joint proceeding for so long as the Petitioner Breckenridge Pharmaceutical, Inc. (“Breckenridge”) in *Breckenridge Pharmaceutical, Inc. v. Novartis Pharmaceuticals Corporation*, IPR2017-01592 (the “Breckenridge IPR”) is in the joint proceeding; (ii) West-Ward consents to consolidated filings for all substantive papers, not exceeding the normal word count or page limits for a single party as set forth in the rules, and agrees that West-Ward will not file, or request to file, any separate briefs beyond the consolidated filings in the joint proceeding; (iii) West-Ward consents to consolidated discovery in the joint proceeding and agrees that West-Ward will not request additional cross-examination or redirect time; and (iv) unless the Breckenridge IPR has been terminated with respect to Breckenridge, West-Ward agrees that Breckenridge will be responsible for the oral argument presentation before the Board and West-Ward will not request any additional time to independently argue before the Board or attempt to submit its own demonstratives. (Paper 3 at 7-10.)

Novartis respectfully requests that the Board order West-Ward to comply with the aforementioned conditions in the joint proceeding. Precedent exists for those limitations. *See, e.g., Bungie, Inc. v. Acceleration Bay, LLC*, IPR2016-00934, Paper 11 (July 8, 2016) at 13-14 (granting Bungie’s motion for joinder, ordering that petitioners consolidate all briefing under the page limits of 37 C.F.R. § 42.24, and ordering that Bungie not file any additional pages to address points of disagreement with the Activision petitioners without first moving for and obtaining the Board’s permission); *ZTE USA, Inc. v. Evolved Wireless LLC*, IPR2016-01280, Paper 8 (Dec. 21, 2016) at 4 (consolidating identical IPR petitions *sua sponte*, and ordering that petitioners “will share all time permitted for depositions and will file all papers, except for papers that do not involve the other petitioner, as a consolidated paper, and that consolidated papers will not be given additional pages or words unless otherwise authorized by the Board.”). *Cf. Teva Pharms. USA, Inc. v. Viiv Healthcare Co.*, IPR2015-00550, Paper 11 (June 25, 2015) at 6 (denying joinder where joinder raised the prospect that the parties and the Board would have to manage burdensome additional pages of briefing); *Famy Care Ltd v. Allergan, Inc.*, IPR2017-00566, Paper 12 (July 12, 2017) at 9-10 (denying joinder where petitioner did not concede to taking a “silent understudy” role).

Respectfully submitted,

Dated: February 20, 2018

/ Nicholas N. Kallas /
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CERTIFICATE OF SERVICE

I certify that a copy of Patent Owner Novartis's Response To Petitioner West-Ward's Motion For Joinder was served on February 20, 2018 by causing it to be sent by email to counsel for Petitioner at the following email addresses:

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Dated: February 20, 2018

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