

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS
USA, INC., WATSON LABORATORIES, INC., DR. REDDY'S
LABORATORIES, INC., DR. REDDY'S LABORATORIES, LTD., and
SUN PHARMACEUTICALS INDUSTRIES LTD.,
Petitioner,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

IPR2020-00040¹
Patent 7,326,708 B2

Before SHERIDAN K. SNEDDEN, ROBERT A. POLLOCK, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

MAJORS, *Administrative Patent Judge*.

¹ Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. were joined as parties to this proceeding via a Motion for Joinder in IPR2020-01045; Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. were joined as parties to this proceeding via a Motion for Joinder in IPR2020-01060; and Sun Pharmaceuticals Industries Ltd. was joined as a party to this proceeding via a Motion for Joinder in IPR2020-01072.

ORDER

Granting Unopposed Joint Motion to Withdraw Joinder as to Petitioners
Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc.
37 C.F.R. §§ 42.20, 42.22, 42.122

Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. (collectively “Teva”),² on June 10, 2020, filed a Petition to institute *inter partes* review of certain claims of U.S. Patent No. 7,326,708 B2. IPR2020-01045, Paper 3. Teva also filed a Motion for Joinder, seeking to be joined as a party in the present case (IPR2020-00040). IPR2020-01045, Paper 4. On September 1, 2020, we granted institution in IPR2020-01045 and joined Teva as a petitioner in IPR2020-00040. IPR2020-01045, Paper 21.

On December 8, 2020, upon the request of Patent Owner and Teva and based on an averred settlement between those parties, we terminated IPR2020-01045. IPR2020-01045, Paper 22. We further instructed Patent Owner and Teva to confer with the parties in IPR2020-00040 and to file the present motion to withdraw Teva as a party in IPR2020-00040. *Id.*

Teva’s and Patent Owner’s present motion jointly requests that Teva should be withdrawn as a joinder petitioner in IPR2020-00040 in view of the above-noted settlement and termination of IPR2020-01045. Paper 72, 1–2. Teva and Patent Owner further represent that their motion is unopposed by the other parties in IPR2020-00040.

We conclude that Teva and Patent Owner are entitled to the requested relief. Teva and Patent Owner have settled their disputes related to the challenged patent. And, as indicated above, we have terminated Teva’s

² Petitioner identifies Teva Pharmaceutical Industries, Ltd., Teva Pharmaceuticals USA, Inc., and Watson Laboratories, Inc. as the real parties-in-interest. Pet. 6.

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challenge in IPR2020-01045. IPR2020-1045, Paper 22. The bases on which we granted joinder as to Teva have, therefore, materially changed and Teva's continued participation as a party in IPR2020-00040 is no longer appropriate.

I. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Unopposed Joint Motion to Withdraw Joinder as to Petitioners Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. is *granted*;

FURTHER ORDERED that Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. are withdrawn as parties in IPR2020-00040; and

FURTHER ORDERED that the case caption in IPR2020-00040 shall be changed in accordance with the attached example.

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FOR PETITIONER:

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