

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ADELLO BIOLOGICS LLC, APOTEX INC. and APOTEX CORP.

Petitioners

v.

AMGEN INC. and AMGEN MANUFACTURING LIMITED

Patent Owners

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PGR2019-00001  
Patent No. 9,856,287

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**MOTION REQUESTING ADVERSE JUDGMENT AGAINST  
APOTEX INC. AND APOTEX CORP.  
PURSUANT TO 37 C.F.R. § 42.73(b)(4)**

Petitioners Apotex Inc. and Apotex Corp. (collectively “Apotex”) hereby abandon the contest and thus request adverse judgment pursuant to 37 C.F.R. § 42.73(b)(4). As stated in 37 C.F.R. § 42.73(b), “[a] party may request adverse judgment against itself at any time during a proceeding.” Further, the Board authorized this filing on August 6, 2019 in an email to the parties. Petitioner Adello Biologics LLC (“Adello”) and Patent Owner have represented that they do not oppose this motion.

This request for adverse judgment against Apotex does not involve or include co-petitioner Adello or Adello’s related real parties-in-interest. Thus, Adello will continue in this proceeding as the sole petitioner. Entry of adverse judgment against Apotex will not terminate or delay the current proceeding.

Respectfully submitted,

Date: August 8, 2019

/Teresa Stanek Rea/

Teresa Stanek Rea (Reg. No. 30,427)  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the date indicated below a copy of the foregoing MOTION REQUESTING ADVERSE JUDGMENT AGAINST APOTEX INC. AND APOTEX CORP. PURSUANT TO 37 C.F.R. § 42.73(b)(4) was served electronically by filing this document through the PTAB E2E System, as well as by e-mailing copies to the following counsel of record for Patent Owner:

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Respectfully submitted,

Date: August 8, 2019

/Shannon Lentz/

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