

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 Owner.

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Case PGR2019-00001  
Patent No. 9,856,287 B2

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Before ZHENYU YANG, CHRISTOPHER G. PAULRAJ, and  
J. JOHN LEE, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

ORDER  
Granting Request for Adverse Judgment as to  
Apotex Inc. and Apotex Corp.  
*37 C.F.R. § 42.73(b)*

Adello Biologics, LLC, Apotex Inc., and Apotex Corp. filed a Petition (Paper 3), requesting a post-grant review of claims 1–30 of U.S. Patent No. 9,856,287 B2. After we instituted review (Paper 13), Petitioners Apotex Inc. and Apotex Corp. (collectively “Apotex”) filed an unopposed Motion Requesting Adverse Judgment against themselves (Paper 21). Apotex represents that Petitioner Adello and Patent Owner do not oppose this Motion. *Id.*

Rule 42.73(b) permits a party to “request judgment against itself at any time during a proceeding.” Under the circumstances in this case, we find it is appropriate to grant Apotex’s Request.

The current proceeding continues with Adello as the sole Petitioner.

Accordingly, it is

ORDERED that the Motion Requesting Adverse Judgment against Apotex Inc. and Apotex Corp. is GRANTED; and

FURTHER ORDERED that the case caption for all further submissions in this proceeding shall be changed to show Adello as the sole Petitioner.

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