

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX INC.,
Petitioner,

v.

IPSEN BIOPHARM LTD.,
Patent Owner.

IPR2025-01531
Patent 11,344,552 B2

Before ZHENYU YANG, TAWEN CHANG, and TIMOTHY G. MAJORS,
Administrative Patent Judges.

YANG, *Administrative Patent Judge.*

DECISION
Granting Petitioner's Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122(b)

INTRODUCTION

Apotex Inc. filed a Petition (Paper 1, “Pet.”), seeking an *inter partes* review of claims 1–15 of U.S. Patent No. 11,344,552 B2 (Ex. 1001, “the ’552 patent”). The Director granted institution of *inter partes* review. Paper 15.

Along with the Petition, Apotex also filed a Motion for Joinder, seeking to join IPR2025-00505. Paper 3 (“Mot.”). Ipsen Biopharm Ltd. (“Patent Owner”) originally filed an Opposition to the joinder Motion (Paper 7) but later withdrew the Opposition (Paper 12).

As explained below, we grant Petitioner’s unopposed Motion for Joinder.

DISCUSSION

Under 35 U.S.C. § 315(c), the Director may join a later party to an earlier instituted *inter partes* review.

CSPC Pharmaceutical Group Limited, CSPC Ouyi Pharmaceutical Co., Ltd., and Conjupro Biotherapeutics, Inc. (collectively “CSPC”) previously filed a petition for an *inter partes* review, challenging claims 1–15 of the ’552 patent. IPR2025-00505, Paper 1. The Board instituted trial in that case. IPR2025-00505, Paper 13.

Petitioner in this case timely filed the Petition and the Motion for Joinder. *See* 37 C.F.R. § 42.122(b); Mot. 1¹. Petitioner represents, and Patent Owner does not dispute, that both the Petition and the supporting declaration in this case are “substantially identical” to those in IPR2025-00505. Mot. 1.

¹ The Motion does not include any page numbers. We number the pages starting from page 1.

Petitioner also states that it is willing to be a silent understudy to the petitioner in IPR2025-00505. *Id.*

Where, as in the present case, a party seeks to take a secondary role in an on-going IPR, joinder promotes economy and efficiency, thereby reducing the burden on the Patent Owner and on the limited resources of the Board, as compared to distinct, parallel proceedings. In view of the foregoing, we find that joinder based upon the conditions stated by Petitioner (see Mot. 5–6) will have no impact on the timing, cost, or presentation of the trial on the instituted ground in IPR2025-00505.

ORDER

Accordingly, it is

ORDERED that Petitioner’s Motion for Joinder is granted, and Petitioner is joined as a party in IPR2025-00505;

FURTHER ORDERED that the Scheduling Order in IPR2025-00505 and any modifications thereto shall govern the joined proceedings;

FURTHER ORDERED that IPR2025-01531 is hereby terminated pursuant to 37 C.F.R. §§ 42.72, and all future filings in the joined proceedings are to be made only in IPR2025-00505;

FURTHER ORDERED that Petitioner’s participation in IPR2025-00505 is limited to a silent understudy;

FURTHER ORDERED that the case caption IPR2025-00505 for all further submissions shall be changed to add Apotex as a named Petitioner, and to indicate by footnote the joinder of Apotex to that proceeding, as indicated in the attached sample; and

FURTHER ORDERED that a copy of this Decision shall be entered into the record of IPR2025-00505.

IPR2025-01531
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Sample Case Caption

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CSPC PHARMACEUTICAL GROUP LIMITED,
CSPC OUYI PHARMACEUTICAL CO., LTD.,
CONJUPRO BIOTHERAPEUTICS, INC., and APOTEX INC.,
Petitioners,

v.

IPSEN BIOPHARM LTD.,
Patent Owner.

Case IPR2025-00505¹
Patent 11,344,552 B2

¹ Apotex Inc., which filed a petition in IPR2025-01531, has been joined as a petitioner in this proceeding.