

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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FRESENIUS KABI USA, LLC  
*Petitioner*

v.

CEPHALON, INC.  
*Patent Owner*

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Case IPR2016-00098  
Patent No. 8,791,270

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**PATENT OWNER'S MANDATORY NOTICES  
PURSUANT TO 37 C.F.R. § 42.8**

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United States Patent and Trademark Office  
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Pursuant to 37 C.F.R. § 42.8, Patent Owner, Cephalon, Inc. ("Cephalon"), hereby submits the following mandatory notices.

**I. REAL PARTY IN INTEREST (37 C.F.R. § 42.8(b)(1))**

Cephalon is the patent owner and real party-in-interest. Cephalon is an indirect wholly owned subsidiary of Teva Pharmaceuticals Industries Ltd.

**II. RELATED MATTERS (37 C.F.R. § 42.8(b)(2))**

**A. Judicial Matters**

U.S. Patent No. 8,791,270 ("270 Patent") has been or is currently at issue in the following district court litigation:

- *Cephalon, Inc. v. Apotex, Inc.*, No. 1:15-cv-00404-GMS (D. Del.);
- *Cephalon, Inc. v. Panacea Biotec, Ltd.*, No. 1:15-cv-00735-GMS (D. Del.);
- *Cephalon, Inc. v. Nang Kuang Pharm. Co., Ltd.*, 1:14-cv-01117-GMS (D. Del.); and
- *Cephalon, Inc. v. Nang Kuang Pharm. Co., Ltd.*, No. 1:14-cv-05180-KAM-RER (E.D.N.Y.).

Additionally, the following Delaware district court litigations involving the '270 Patent (and/or related patents) were consolidated into *In re Bendamustine Consol. Cases*, No. 1:13-cv-02046-GMS (D. Del.):

- *Cephalon Inc. v. Eagle Pharms. Inc.*, No. 1:13-cv-01738-GMS (D. Del.);
- *Cephalon Inc. v. Hetero Labs Ltd.*, 1:13-cv-02046-GMS (D. Del.);
- *Cephalon Inc. v. Agila Specialties Inc.*, 1:13-cv-02080-GMS (D. Del.);
- *Cephalon Inc. v. InnoPharma Inc.*, No. 1:13-cv-02081-GMS (D. Del.);
- *Cephalon, Inc. v. Dr. Reddy's Labs., Ltd.*, No. 1:13-cv-02082-GMS (D. Del.);
- *Cephalon, Inc. v. Glenmark Pharms. Ltd.*, No. 1:13-cv-02093-GMS (D. Del.);
- *Cephalon Inc. v. Hospira Inc.*, No. 1:13-cv-02094-GMS (D. Del.);
- *Cephalon, Inc. v. Accord Healthcare, Inc.*, 1:13-cv-02095-GMS (D. Del.);
- *Cephalon, Inc. v. Sun Pharma Global FZE*, No. 1:13-cv-02096-GMS (D. Del.);
- *Cephalon Inc. v. Sandoz Inc.*, No. 1:13-cv-02104-GMS (D. Del.);
- *Cephalon, Inc. v. Actavis LLC f/k/a Actavis Inc.*, 1:14-cv-00122-GMS (D. Del.);

- *Cephalon, Inc. v. Sun Pharma Global FZE*, No. 1:14-cv-00333-GMS (D. Del.);
- *Cephalon, Inc. v. Dr. Reddy's Labs., Ltd.*, No. 1:14- cv-00334-GMS (D. Del.);
- *Cephalon, Inc. v. Emcure Pharms., Ltd.*, No. 1:14-cv-00335-GMS (D. Del.);
- *Cephalon, Inc. v. Pharmasci. Inc.*, 1:14-cv-00568-GMS (D. Del.);
- *Cephalon Inc. v. InnoPharma Inc.*, No. 1:14-cv-00590-GMS (D. Del.);
- *Cephalon, Inc. v. Breckenridge Pharm., Inc.*, 1:14-cv-00671-GMS (D. Del.);
- *Cephalon Inc. v. Eagle Pharms. Inc.*, No. 1:14-cv-01042-GMS (D. Del.);
- *Cephalon, Inc. v. Eurohealth Int'l Sarl*, 1:14-cv-01045-GMS (D. Del.);
- *Cephalon, Inc. v. Sagent Pharms., Inc.*, 1:14-cv-01116-GMS (D. Del.);
- *Cephalon, Inc. v. Agila Specialties, Inc.*, No. 1:14-cv-01237-GMS (D. Del.);

- *Cephalon Inc. v. InnoPharma Inc.*, No. 1:14-cv-01238-GMS (D. Del.);
- *Cephalon Inc. v. Sandoz Inc.*, 1:14-cv-01239-GMS (D. Del.);
- *Cephalon, Inc. v. Dr. Reddy's Labs., Ltd.*, No. 1:14-cv-01241-GMS (D. Del.);
- *Cephalon Inc. v. Hospira Inc.*, No. 1:14-cv-01242-GMS (D. Del.);
- *Cephalon, Inc. v. Sun Pharma Global FZE*, No. 1:14-cv-01243-GMS (D. Del.);
- *Cephalon, Inc. v. Wockhardt Bio Ltd.*, 1:14-cv-01332-GMS (D. Del.);
- *Cephalon Inc. v. Sandoz Inc.*, No. 1:15-cv-00178-GMS (D. Del.); and
- *Cephalon, Inc. v. Dr. Reddy's Labs., Ltd.*, No. 15-cv-00179-GMS (D. Del.).

**B. Administrative**

The '270 Patent is the subject of a petition for *Inter Partes* Review in IPR2016-00026. The Board has not yet decided whether to institute review on that petition.

The '270 Patent claims priority to U.S. Patent No. 8,436,190, which is currently under review in IPR2015-00503.

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