

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDOZ INC.,
Petitioner,

v.

ELI LILLY AND COMPANY,
Patent Owner.

Case IPR2016-00318
Patent 7,772,209

**PETITIONER SANDOZ INC.'S
UPDATED MANDATORY NOTICES
PURSUANT TO 37 C.F.R. § 42.8**

A. Real Party-In-Interest (UNCHANGED)

Sandoz Inc. is the real party-in-interest for the instant petition.

B. Related Matters (UPDATED)

1. Related Litigations

Petitioner is not aware of any reexamination certificates or pending prosecution concerning the '209 patent. Petitioner is a defendant in the following litigation involving the '209 patent: *Eli Lilly & Co. v. Sandoz Inc.*, No. 1:14-cv-2008 (S.D. Ind., filed December 5, 2014) (“Sandoz Litigation”). Sandoz has timely filed this petition pursuant to 35 U.S.C. § 315(b) within one year of the date “on which the petitioner . . . [was] served with [the] complaint alleging infringement of the patent” – December 15, 2014. Ex. 1053, Return of Service. The Patent Owner has also asserted the '209 patent in the following additional litigations in which Petitioner was not and is not a party: *Eli Lilly & Co. v. Teva Parenteral Medicines, Inc.*, No. 1:10-cv-1376 (S.D. Ind., filed October 29, 2010) (“Teva Litigation”); *Eli Lilly & Co. v. APP Pharmaceuticals, LLC*, No. 1:11-cv-942 (S.D. Ind., filed July 15, 2011); *Eli Lilly & Co. v. Accord Healthcare, Inc., USA*, No. 1:12-cv-86 (S.D. Ind., filed January 20, 2012); *Eli Lilly & Co. v. Apotex Inc.*, No. 1:12-cv-499 (S.D. Ind., filed April 17, 2012); *Eli Lilly & Co. v. Accord Healthcare Inc., USA*, No. 1:13-cv-335 (S.D. Ind., filed February 28, 2013); *Eli Lilly & Co. v. Sun Pharmaceutical Industries Ltd.*, No. 1:13-cv-1469 (S.D. Ind., filed September 13,

2013); *Eli Lilly & Co. v. Glenmark Generics Inc., USA*, No. 1:14-cv-104 (S.D. Ind., filed January 23, 2014); *Eli Lilly & Co. v. Nang Kuang Pharmaceutical Co., Ltd.*, No. 1:14-cv-1647 (S.D. Ind., filed October 8, 2014); *Eli Lilly & Co. v. Fresenius Kabi USA, LLC*, No. 1:15-cv-96 (S.D. Ind., filed January 23, 2015); *Eli Lilly & Co. v. Mylan Laboratories Ltd.*, No. 1:15-cv-1083 (S.D. Ind., filed July 10, 2015); *Eli Lilly & Co. v. Emcure Pharmaceuticals Ltd.*, No. 1:15-cv-1244 (S.D. Ind., filed August 7, 2015); and *Eli Lilly & Co. v. Dr. Reddy's Laboratories, Ltd. et al.*, No. 1:16-cv-308 (S.D. Ind., filed Feb. 5, 2016).

Petitioner newly identifies the following additional litigation in which the Patent Owner has asserted the '209 patent and in which Petitioner was not and is not a party: *Eli Lilly & Co. v. Biocon Ltd.*, No. 1:16-cv-469 (S.D. Ind., filed Feb. 26, 2016).

2. Related Proceedings Before the Board

The '209 patent has also been challenged before the Board in the following proceedings in which Petitioner was not and is not a party: *Accord Healthcare, Inc., USA v. Eli Lilly & Co.*, IPR2013-356 (PTAB, filed June 14, 2013); *Neptune Generics, LLC v. Eli Lilly & Co.*, IPR2016-237 (PTAB, filed November 24, 2015); and *Neptune Generics, LLC v. Eli Lilly & Co.*, IPR2016-240 (PTAB, filed November 24, 2015). On October 1, 2013, the Board denied institution of Accord Healthcare Inc.'s petition in IPR2013-356 because the petition was not filed within

the time limit imposed by 35 U.S.C. § 315(b). Neptune Generics, LLC's

("Neptune") two petitions are pending before the Board.

Petitioner newly identifies the following additional proceedings before the Board in which the '209 patent has been challenged and in which Petitioner was not and is not a party: *Wockhardt Bio AG v. Eli Lilly & Co.*, IPR2016-1335 (PTAB, filed June 30, 2016); *Wockhardt Bio AG v. Eli Lilly & Co.*, IPR2016-1337 (PTAB, filed June 30, 2016); *Wockhardt Bio AG v. Eli Lilly & Co.*, IPR2016-1393 (PTAB, filed July 8, 2016); *Apotex Inc. & Apotex Corp. v. Eli Lilly & Co.*, IPR2016-1190 (PTAB, filed July 1, 2016); *Apotex Inc. & Apotex Corp. v. Eli Lilly & Co.*, IPR2016-1191 (PTAB, filed July 1, 2016); *Apotex Inc. et al. v. Eli Lilly & Co.*, IPR2016-1429 (PTAB, filed July 14, 2016); *Teva Pharm. USA, Inc. & Fresenius Kabi USA, LLC v. Eli Lilly & Co.*, IPR2016-1340 (PTAB, filed July 1, 2016); *Teva Pharm. USA, Inc. & Fresenius Kabi USA, LLC v. Eli Lilly & Co.*, IPR2016-1341 (PTAB, filed July 1, 2016); and *Teva Pharm. USA, Inc. & Fresenius Kabi USA, LLC v. Eli Lilly & Co.*, IPR2016-1343 (PTAB, filed July 1, 2016). The Petitioners in IPR2016-1335, IPR2016-1190, and IPR2016-1341 requested joinder with IPR2016-237. The Petitioners in IPR2016-1337, IPR2016-1191, and IPR2016-1343 requested joinder with IPR2016-240. The Petitioners in IPR2016-1340, IPR2016-1393, and IPR2016-1429 requested joinder with the instant proceeding.

C. Lead and Back-Up Counsel (UPDATED)

Lead Counsel	Back-Up Counsel
Ralph J. Gabric (Reg. No. 34,167) rgabric@brinksgilson.com Brinks Gilson & Lione Suite 3600 NBC Tower 455 Cityfront Plaza Drive Chicago IL 60611-5599 T: 312-321-4200, F: 312-321-4299	Laura Lydigsen (<i>pro hac vice</i> motion to be filed) llydigsen@brinksgilson.com Brinks Gilson & Lione Suite 3600 NBC Tower 455 Cityfront Plaza Drive Chicago IL 60611-5599 T: 312-321-4200, F: 312-321-4299
	Bryan T. Richardson, Ph.D. (Reg. No. 70,572) brichardson@brinksgilson.com Brinks Gilson & Lione 4721 Emperor Boulevard Suite 220 Durham, NC 27703-8580 T: 919-998-5700, F: 919-998-5701
	Joshua H. James (Reg. No. 72,568) jjames@brinksgilson.com <u>Postal and Hand-Delivery Address:</u> Brinks Gilson & Lione Suite 3600 NBC Tower 455 Cityfront Plaza Drive Chicago IL 60611-5599 T: 312-321-4200, F: 312-321-4299

D. Service Information (UNCHANGED)

Please address all correspondence to the lead and backup counsel at the contact information above. Petitioner also consents to service by email at rgabric@brinksgilson.com and llydigsen@brinksgilson.com.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.