

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERIGEN PHARMACEUTICALS LIMITED,
Petitioner,

v.

UCB PHARMA GMBH,
Patent Owner.

Case IPR2016-01665
Patent 6,858,650 B1

**PATENT OWNER MANDATORY NOTICE INFORMATION
UNDER 37 C.F.R. § 42.8**

IPR2016-01665

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A. Real Party in Interest

UCB Pharma GmbH (“UCB”), formerly known as Schwarz Pharma AG and organized and existing under the laws of Germany, holds title to U.S. Patent No. 6,858,650 (the “‘650 patent”) and is the real party-in-interest.

B. Related Matters

UCB and Pfizer Inc. (“Pfizer”), the exclusive licensee of the ‘650 patent, have sued Mylan Pharmaceuticals Inc. for infringement of the ‘650 patent in the following pending actions: *Pfizer, Inc. and UCB Pharma GmbH v. Mylan Pharmaceuticals, Inc.*, No. 1:15-cv-00079-GMS (D. Del.) and *Pfizer Inc. and UCB Pharma GmbH v. Mylan Pharmaceuticals Inc.*, Case No. 1:15-cv-00013-IMK (N.D.W.Va.).

The following action also involved the ‘650 patent: *Pfizer, Inc. and UCB Pharma GmbH v. Sandoz, Inc.*, et al., No. 1:13-cv-01110-GMS (D. Del.). Following trial before Judge Gregory Sleet in the District Court of Delaware in July 2015, judgment was entered that, *inter alia*, (1) the claims are not obvious under 35 U.S.C. § 103, (2) the claims are not anticipated under 35 U.S.C. § 102, and (3) the claims are not indefinite under 35 U.S.C. § 112. Defendants did not file a Notice of Appeal to the Federal Circuit. Defendants’ arguments at trial regarding obviousness included the assertion of, *inter alia*, Brynne (Petitioner’s Ex. 1007), Bundgaard (Petitioner’s Ex. 1012), Johansson (Petitioner’s Ex. 1005),

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and the Detrol Label (Petitioner's Ex. 1009). Defendants identified Postlind (Petitioner's Ex. 1010) in the Pretrial Order as a prior art reference potentially relevant for obviousness.

The Patent Trial and Appeal Board has instituted *Inter Partes* Review of Petitions filed by Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited, which are listed in the table below, relating to either the '650 patent or four other patents related to the '650 patent (U.S. Patent Nos. 7,384,980; 7,855,230; 7,985,772; and 8,338,478):

<u>Patent No.</u>	<u>Petitioners</u>	<u>Case No.</u>	<u>IPR Filing Date</u>	<u>Claims</u>
6,858,650	Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited	IPR2016-00510	January 28, 2016	1-5, 21-24
7,384,980	Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited	IPR2016-00512	January 28, 2016	1-16
7,855,230	Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited	IPR2016-00514	January 28, 2016	1-5

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7,985,772	Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited	IPR2016-00517	January 28, 2016	1, 3, 4, 6-8
8,338,478	Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited	IPR2016-00516	January 28, 2016	1-3, 5-8, 10-12

Additionally, UCB understands that Torrent Pharmaceuticals Limited and Alembic Pharmaceuticals Limited have each filed an *Inter Partes* Review Petition relating to the '650 patent, as well as Motions for Joinder of their petitions with IPR2016-00510:

<u>Patent No.</u>	<u>Petitioner</u>	<u>Case No.</u>	<u>IPR Filing Date</u>	<u>Claims</u>
6,858,650	Torrent Pharmaceuticals Limited	IPR2016-01636	August 18, 2016	1-5, 21-24
6,858,650	Alembic Pharmaceuticals Limited	IPR2016-01596	August 22, 2016	1-5, 21-24

C. Lead and Back-up Counsel

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D. Service Information

UCB may be served at its counsel, White & Case LLP, at the above-indicated email addresses.

E. Patent Owner Preliminary Response

Patent Owner reserves the right to file a preliminary response at a later date.

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