

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS, INC.

Petitioner,

v.

BAYER INTELLECTUAL PROPERTY, GMBH,

Patent Owner.

Case No. IPR2017-00041

Patent No. 7,157,456

**PATENT OWNER'S MANDATORY NOTICES
UNDER 37 C.F.R. § 42.8(a)(2)**

Patent Owner Bayer Intellectual Property GmbH hereby submits the following mandatory notices pursuant to 37 C.F.R. § 42.8(a)(2).

A. Real Parties-In-Interest (37 C.F.R. § 42.8(b)(1))

Pursuant to 37 C.F.R. § 42.8(b)(1), Patent Owner identifies Bayer Intellectual Property GmbH (the Patent Owner), Bayer Pharma AG (an exclusive licensee), and Janssen Pharmaceuticals, Inc. (an exclusive sublicensee).

In addition, out of an abundance of caution, the Patent Owner notes that counsel for Bayer Corporation has been involved in this proceeding, and further notes that each of Bayer Intellectual Property GmbH, Bayer Pharma AG, and

Bayer Corporation is a wholly owned subsidiary of Bayer AG, and that Janssen Pharmaceuticals, Inc. is a wholly-owned subsidiary of Johnson & Johnson.

B. Related Matters (37 C.F.R. § 42.8(b)(2))

The Patent Owner identifies the following matters that may affect, or may be affected by, a decision in this proceeding:

- *Bayer Intellectual Property GmbH v. Aurobindo Pharma Ltd.*, No. 1:15-cv-902-SLR (D. Del), a proceeding in which Patent Owner has asserted U.S. Patent No. 7,157,456 (“the ’456 patent”), related U.S. Patent No. 7,592,339 (“the ’339 patent”) and related U.S. Patent No. 7,585,860 (“the ’860 patent”) against Petitioner and other defendants. Two other cases in which Bayer has asserted the ’456 patent have been consolidated with Case No. 15-cv-902-SLR: (1) *Bayer Intellectual Property GmbH, et al. v. Breckenridge Pharmaceutical, Inc.*, No. 1:16-cv-00628-SLR (D. Del.), which also involves the ’339 patent, and (2) *Bayer Intellectual Property GmbH, et al. v. InvaGen Pharmaceutical Inc.*, No. 1:16-cv-00064-SLR (D. Del.), which also involves the ’339 and ’860 patents. Bayer has asserted the ’339 and ’860 patents in an additional case, *Bayer Intellectual Property GmbH, et al. v. Micro Labs Ltd., et al.*, No. 1:16-cv-00242-SLR (D. Del), which has also been consolidated with Case No. Case No. 15-cv-902-SLR.
- Case No. IPR2017-00042, in which Petitioner has filed a petition for *inter partes* review of the ’860 patent.

725 Twelfth Street, N.W.
Washington D.C. 20005

(iii) Hand-delivery address: Dov P. Grossman
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington D.C. 20005

(iv) Telephone number: 202-434-5812

(v) Facsimile number: 202-434-5029

Counsel for Patent Owner consents to electronic service by email at:

dgrossman@wc.com and gfomenkova@wc.com.

Dated: October 28, 2016

Respectfully submitted,

/Dov P. Grossman/
Dov P. Grossman
Reg. No. 72,525
Williams & Connolly LLP
725 Twelfth St. NW
Washington, DC 20005
Telephone: 202-434-5812
Facsimile: 202-434-5029
Email: dgrossman@wc.com

CERTIFICATE OF SERVICE
(37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the document above was served on this 28th day of October, 2016, on the Petitioner by delivering a copy via electronic mail to the following individuals at the email addresses below:

Steven W. Parmelee
Reg No. 31,990
parmelee@wsgr.com

Michael T. Rosato
Reg. No. 52,182
mrosato@wsgr.com

Jad A. Mills
Reg. No. 63,344
jmills@wsgr.com

Wilson Sonsini Goodrich & Rosati
701 Fifth Avenue
Suite 5100
Seattle, WA 98104-7036
P: 206-883-2542
F: 206-883-2699

By: /Dov P. Grossman/
Dov P. Grossman
Lead Counsel for Patent Owner
Registration No. 72,525

Date: October 28, 2016