

Paper No. ____
Filed: January 11, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.
Petitioner

v.

ICOS CORPORATION
Patent Owner

IPR2017-00323
Patent No. 6,943,166

PATENT OWNER'S UPDATED MANDATORY NOTICES

Pursuant to 37 C.F.R. § 42.8(a)(3), Patent Owner, ICOS Corporation, hereby submits the following updated mandatory notices providing an update on the status of the Related Matters.

I. ICOS CORPORATION'S MANDATORY NOTICES

A. Real Parties-in-Interest

In accordance with 37 C.F.R. § 42.8(b)(1), the real parties-in-interest include ICOS Corporation and Eli Lilly and Company.

B. Related Matters

The following district court actions filed by Eli Lilly and Company and ICOS Corporation, in the United States District Court for the Eastern District of Virginia, seek a judgment that the claims of U.S. Patent 6,943,166 are valid and infringed:

- *Eli Lilly & Co. v. Accord Healthcare, Inc.*, No. 1:16-cv-01352;
- *Eli Lilly & Co. v. Actavis Laboratories UT, Inc.*, No. 1:16-cv-01119;
- *Eli Lilly & Co. v. Alembic Pharmaceuticals Ltd.*, No. 1:16-cv-01120;
- *Eli Lilly & Co. v. Aurobindo Pharma Ltd.*, No. 1:16-cv-01121;
- *Eli Lilly & Co. v. Cipla Ltd.*, No. 1:16-cv-01208;
- *Eli Lilly & Co. v. Mylan Pharms. Inc.*, No. 1:16-cv-01122;
- *Eli Lilly & Co. v. Sun Pharm. Indus., Ltd.*, No. 2:16-cv-00518;

- *Eli Lilly & Co. v. Teva Pharms. USA Inc.*, No. 2:16-cv-00519;
- *Eli Lilly & Co. v. Zydus Pharms. (USA) Inc.*, No. 2:16-cv-00520;

These actions have been consolidated for pretrial proceedings under the lead case, *Eli Lilly & Co. v. Actavis Laboratories UT, Inc.*, 1:16-cv-01119-AJT-MSN.

The district court issued a scheduling order and held a pretrial conference on December 7, 2016, and set a final pretrial conference for April 20, 2017, with trial within 4-8 weeks thereafter.

Eli Lilly & Co. v. Apotex, Inc., No. 3:16-cv-00941, was filed on November 30, 2016, in the United States District Court for the Eastern District of Virginia, seeking a judgment that the claims of U.S. Patent 6,943,166 are valid and infringed. This case was consolidated under the lead case, 1:16-cv-01119-AJT-MSN, on January 11, 2017.

MonoSol RX, LLC v. ICOS Corp., IPR2017-00412, was filed on December 6, 2016, and corrected on December 7, 2016, before the Patent Trial and Appeal Board, seeking cancellation of Claims 1-12 of U.S. Patent 6,943,166.

IntelGenX Corp. v. ICOS Corp., IPR2016-00678, was filed on February 2, 2016, before the Patent Trial and Appeal Board, seeking cancellation of Claims 1-12 of U.S. Patent 6,943,166. Institution was denied on September 1, 2016. The proceeding was terminated by Order November 29, 2016.

Eli Lilly & Co. v. Ajanta Pharma, Ltd., No. 1:17-cv-00020, was filed on December 13, 2016, in the United States District Court for the Eastern District of Virginia, seeking a judgment that the claims of U.S. Patent 6,943,166 are valid and infringed. This case was consolidated under the lead case, 1:16-cv-01119-AJT-MSN, on January 11, 2017.

Patent Owner is unaware of any other related matters that would affect or be affected by this proceeding.

C. Lead and Back-up Counsel

In accordance with 37 C.F.R. § 42.8(b)(3), Patent Owner designates the following counsel to transact all business in the Patent Trial & Appeal Board of the United States Patent & Trademark Office in connection with the above-captioned *Inter Partes* Review. Patent Owner also consents to e-mail service at ICOS-IPRs@finnegan.com.

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