

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.  
Petitioner

v.

ICOS CORPORATION  
Patent Owner

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IPR2017-00323  
Patent No. 6,943,166

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**PATENT OWNER'S MANDATORY NOTICES**

Pursuant to 37 C.F.R. § 42.8, Patent Owner, ICOS Corporation, hereby submits the following mandatory notices in connection with the above-captioned *Inter Partes* Review.

## **I. ICOS CORPORATION'S POWER OF ATTORNEY**

A Power of Attorney appointing lead and back-up counsel is being filed concurrently with these Notices.

## **II. 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. The district court issued a scheduling order and held a pretrial conference on December 7, 2016, and 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.

*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.

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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