

Paper No. \_\_\_\_  
Filed: January 11, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MONOSOL RX, LLC  
Petitioner

v.

ICOS CORPORATION  
Patent Owner

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IPR2017-00412  
Patent No. 6,943,166

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**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.

*Mylan Pharmaceuticals Inc. v. ICOS Corp.*, IPR2017-00323, was filed on November 22, 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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