

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MONOSOL RX, LLC
Petitioner

v.

ICOS CORPORATION
Patent Owner

IPR2017-00412
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. Related Matters

The following district court actions were filed by Eli Lilly and Company and ICOS Corporation, 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 were valid and infringed. The actions were 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 entered Consent Judgments against each Defendant in each of these proceedings:

- *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. Ajanta Pharma, Ltd.*, No. 1:17-cv-00020;
- *Eli Lilly & Co. v. Alembic Pharmaceuticals Ltd.*, No. 1:16-cv-01120;
- *Eli Lilly & Co. v. Apotex, Inc.*, No. 3:16-cv-00941;
- *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; and
- *Eli Lilly & Co. v. Zydus Pharms. (USA) Inc.*, No. 2:16-cv-00520.

Eli Lilly & Co. v. Hetero USA, Inc., No. 2:17-cv-01951, was filed on March 24, 2017, in the United States District Court for the District of New Jersey seeking a judgment that the claims of U.S. Patent 6,943,166 are valid and infringed. A Consent Judgment was entered against Hetero USA, Inc. on May 8, 2017.

Eli Lilly & Co. v. Dr. Reddy's Laboratories, Inc., No. 3:17-cv-02541, was filed on April 13, 2017, in the United States District Court for the District of New Jersey seeking a judgment that the claims of U.S. Patent 6,943,166 are valid and infringed. A Consent Judgment was entered against Dr. Reddy's on August 15, 2017.

Eli Lilly & Co. v. Macleods Pharma USA, Inc., No. 3:17-cv-05087, was filed on July 12, 2017, in the United States District Court for the District of New Jersey seeking a judgment that the claims of U.S. Patent 6,943,166 are valid and infringed. A Consent Judgment was entered against Macleods on August 24, 2017.

IntelGenX Corp. v. ICOS Corp., IPR2016-00678, was filed on February 2, 2016, before the Patent Trial and Appeal Board, seeking cancelation 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.

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. Institution was granted on June 12, 2017, and a joint motion to terminate the proceedings was filed by the parties on July 7, 2017. The Board issued an order terminating the proceeding due to settlement after institution on August 16, 2017.

Argentum Pharmaceuticals LLC v. ICOS Corp., IPR2017-01762, was filed on July 12, 2017, before the Patent Trial and Appeal Board, seeking cancellation of Claims 1-12 of U.S. Patent 6,943,166. Argentum also filed a Motion for Joinder with *Mylan Pharmaceuticals Inc. v. ICOS Corp.*, IPR2017-00323. A joint motion to terminate the proceeding was filed by the parties on August 28, 2017. The Board issued an order terminating the proceeding due to settlement before institution on October 3, 2017.

Dr. Reddy's Laboratories, Inc. v. ICOS Corp., IPR2017-01757, was filed on July 10, 2017, before the Patent Trial and Appeal Board, seeking cancellation of Claims 1-12 of U.S. Patent 6,943,166. Dr. Reddy's also filed a Motion for Joinder with *Mylan Pharmaceuticals Inc. v. ICOS Corp.*, IPR2017-00323. On September 13, 2017, the parties filed a Joint Motion to Terminate Proceeding (Paper No. 9).

Eli Lilly & Co. v. Glenmark Pharmaceuticals Ltd., No. 2:17-cv-07024, was filed on September 12, 2017 in the United States District Court for the District of New Jersey seeking a judgment that the claims of U.S. Patent 6,943,166 are valid and infringed.

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

The undersigned counsel welcomes a telephone call should the Office have any requests or questions.

Respectfully submitted,

Dated: October 3, 2017

/ *Maureen D. Queler* /
Mark J. Feldstein (Reg. No. 46,693)
Maureen D. Queler (Reg. No. 61,879)
Joshua L. Goldberg (Reg. No. 59,369)
Yieyie Yang (Reg. No. 71,923)
Mark J. Stewart (Reg. No. 43,936)
Dan L. Wood (Reg. No. 48,613)
Gerald P. Keleher (Reg. No. 43,707)

Counsel for Patent Owner

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.