

Paper No. \_\_\_\_\_  
Filed: March 10, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

INNOPHARMA LICENSING, LLC

Petitioner

v.

ASTRAZENECA AB

Patent Owner

---

Case IPR2017-00904

U.S. Patent 6,774,122

---

**PATENT OWNER'S MANDATORY  
NOTICES PURSUANT TO 37 C.F.R. § 42.8**

Pursuant to 37 C.F.R. § 42.8, the undersigned on behalf of and acting in a representative capacity for patent owner AstraZeneca AB, hereby submits the following mandatory notices in connection with the Petition for *Inter Partes* Review of United States Patent No. 6,774,122 (the “’122 patent”), Case No. IPR2017-00904.

### **REAL PARTY-IN-INTEREST**

AstraZeneca AB is Patent Owner. AstraZeneca UK Limited is the beneficial owner of the ’122 patent and holder of approved New Drug Application (“NDA”) No. 21-344 for FASLODEX<sup>®</sup> (fulvestrant) intramuscular injection, in 50 mg/mL dosage forms. AstraZeneca Pharmaceuticals LP is the authorized agent for matters related to NDA No. 21-344 in the United States.

### **RELATED MATTERS**

The ’122 patent has been asserted in the following actions: *AstraZeneca Pharmaceuticals LP et al. v. Sandoz Inc.*, C.A. No. 1:14-cv-03547-RMB-KMW (D.N.J.) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. Sagent Pharmaceuticals, Inc.*, C.A. No. 1:14-cv-05539-RMB-KMW (D.N.J.) (consolidated as 1:14-cv-03547) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. Glenmark Pharmaceuticals Inc., USA*, C.A. No. 1:15-cv-00615-RMB-KMW (D.N.J.) (consolidated as 1:14-cv-03547) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. Agila Specialties, Inc. et al.*, C.A. No. 1:15-cv-06039-RMB-KMW (D.N.J.); *AstraZeneca Pharmaceuticals LP et al. v. Mylan Pharmaceuticals Inc. et al.*, C.A. No. 1:15-cv-7009-RMB-KMW (consolidated as 1:15-cv-06039) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 1:15-cv-7889-RMB-KMW (D.N.J.) (consolidated as 1:15-cv-06039); *AstraZeneca Pharmaceuticals LP et al. v. InnoPharma Licensing LLC*, C.A. No. 1:16-cv-1962-RMB-KMW (D.N.J.) (consolidated as 1:15-cv-06039); *AstraZeneca Pharmaceuticals LP et al. v. Teva Parenteral Medicines Inc. et al.*, C.A. No. 1:10-cv-00018 (D.

Del.) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. Sagent Pharmaceuticals, Inc.*, C.A. No. 1:14-cv-07358 (N.D. Ill.) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. Mylan Pharmaceuticals Inc. et al.*, C.A. No. 1:15-cv-00183 (N.D. W. Va.) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. InnoPharma, Inc.*, C.A. No. 1:16-cv-00894-RMB-KMW (D.N.J.) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. Mylan Institutional LLC*, C.A. No. 1:16-cv-04612 (D.N.J.) (consolidated as 1:15-cv-06039) (dismissed); *AstraZeneca Pharmaceuticals LP et al. v. Dr. Reddy's Laboratories, Inc. et al.*, C.A. No. 1:17-cv-00926 (D.N.J.).

Three related patents have been involved in district court proceedings: U.S. Patent Nos. 7,456,160 (the “’160 patent”); 8,329,680 (the “’680 patent”); and 8,466,139 (the “’139 patent”).

The ’122 patent and three related patents have been involved in *inter partes* review proceedings: IPR2016-01316 on the ’122 patent (terminated before institution); IPR2016-01324 on the ’160 patent (terminated before institution); IPR2016-01325 on the ’680 patent (institution denied); and IPR2016-01326 on the ’139 patent (terminated before institution).

Concurrently with this petition, Petitioner submitted two other petitions for *inter partes* review: IPR2017-00900 on the ’680 patent and IPR2017-00905 on the ’139 patent.

**LEAD AND BACK-UP COUNSEL  
AND SERVICE INFORMATION**

Lead counsel:

Filko Prugo (Reg. No. 73,092)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [fprugo@omm.com](mailto:fprugo@omm.com)

Back-up counsel:

Caitlin Hogan (Reg. No. 61,515)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [chogan@omm.com](mailto:chogan@omm.com)

Other counsel:

Marc Pensabene (Reg. No. 37,416)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [mpensabene@omm.com](mailto:mpensabene@omm.com)

Carolyn Wall (Reg. No. 75,737)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [cwall@omm.com](mailto:cwall@omm.com)

Patent Owner may be served electronically using the following email addresses:

[fprugo@omm.com](mailto:fprugo@omm.com)  
[chogan@omm.com](mailto:chogan@omm.com)  
[mpensabene@omm.com](mailto:mpensabene@omm.com)  
[cwall@omm.com](mailto:cwall@omm.com)

Patent Owner may be served by mailing or hand-delivery to the following address:

Filko Prugo (Reg. No. 73,092)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [fprugo@omm.com](mailto:fprugo@omm.com)

Caitlin Hogan (Reg. No. 61,515)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [chogan@omm.com](mailto:chogan@omm.com)

Marc Pensabene (Reg. No. 37,416)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [mpensabene@omm.com](mailto:mpensabene@omm.com)

Carolyn Wall (Reg. No. 75,737)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [cwall@omm.com](mailto:cwall@omm.com)

Respectfully submitted,

Dated: March 10, 2017

\_\_\_\_\_  
/Filko Prugo/

Filko Prugo (Reg. No. 73,092)  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: [fprugo@omm.com](mailto:fprugo@omm.com)

# 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.