

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Aurobindo Pharma USA Inc.  
Petitioners,

v.

Andrx Labs, LLC  
Patent Owner

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Case IPR2017-01648  
U.S. Patent No. 6,866,866

&

Case IPR2017-01673  
U.S. Patent No. 6,790,459

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

**PATENT OWNER MANDATORY NOTICES**

Pursuant to 37 C.F.R. § 42.8, Patent Owner Andrx Labs, LLC, respectfully submits the following Mandatory Notices.

**I. REAL PARTY IN INTEREST**

Based on the Patent Owner's current understanding, the real parties-in-interest ("RPI") are Andrx Labs, LLC, Teva Pharmaceuticals USA Inc., and Shionogi Inc. The Patent Owner continues its investigation regarding entities which should be named as RPIs and will update these Mandatory Notices if and as needed.

**II. RELATED MATTERS**

Patent Owner identifies the following U.S. patent applications and issued patents that relate to U.S. Patent Application No. 09/705,630, which issued as U.S. Patent No. 6,866,866:

- U.S. Patent Application No. 09/705,630, which was filed on November 3, 2000, and issued as U.S. Patent No. 6,866,866;
- U.S. Patent Application No. 10/796,411, which was filed on March 9, 2004, and is now abandoned;

IPR2017-01648 & IPR2017-01673  
Patent Owner's Mandatory Notices

- U.S. Patent Application No. 11/117,999, which was filed on April 29, 2005, and is now abandoned;
- U.S. Patent Application No. 11/225,741, which was filed on September 13, 2005, and is now abandoned;
- U.S. Patent Application No. 11/225,742, which was filed on September 13, 2005, and is now abandoned;
- U.S. Patent Application No. 11/225,784, which was filed on September 13, 2005, and is now abandoned; and
- U.S. Patent Application No. 11/225,785, which was filed on September 13, 2005, and is now abandoned.

Patent Owner is unaware of any U.S. patent applications and issued patents that relate to U.S. Patent Application No. 09/705,625, which issued as U.S. Patent No. 6,790,459.

Additionally, Patent Owner identifies the following matters that relate or may relate to U.S. Patent Application No. 09/705,630, which issued as U.S. Patent No. 6,866,866 and U.S. Patent Application No. 09/705,625, which issued as U.S. Patent No. 6,790,459:

- U.S. Patent No. 6,866,866 was a patent-in-suit in *Sciele Pharma Inc. et al. v. Lupin Ltd., et al.*, 1:09-cv-00037 (D. Del. Jan. 15, 2009), which is now closed;
- U.S. Patent No. 6,866,866 and U.S. Patent No. 6,790,459 were patents-in-suit in *Sciele Pharma, Inc. et al v. Lupin Ltd. et al.*, No. 1-09-cv-00105 (D. Md. Jan. 16, 2009), which is now closed;
- U.S. Patent No. 6,866,866 was a patent-in-suit in *Shionogi Pharma Inc. et al. v. Mylan Inc., et al.*, 1:10-cv-00135 (D. Del. Feb. 18, 2010), which is now closed;
- U.S. Patent No. 6,866,866 and U.S. Patent No. 6,790,459 were patents-in-suit in *Takeda Pharmaceutical Company Limited et al v. Mylan, Inc. et al.*, No. 1-12-cv-00024 (S.D. N.Y. Jan. 3, 2012), which is now closed;
- U.S. Patent No. 6,866,866 and U.S. Patent No. 6,790,459 were patents-in-suit in *Takeda Pharmaceutical Co., Ltd., et. al. v. Mylan,*

*Inc., et al.*, No. 2-12-cv-00026 (W.D. Pa. Jan. 6, 2012), which is now closed;

- U.S. Patent No. 6,866,866 and U.S. Patent No. 6,790,459 were patents-in-suit in *Takeda Pharmaceutical Company Limited et al v. Mylan, Inc. et al.*, No. 1-12-cv-02038 (S.D. N.Y. Mar. 20, 2012), which is now closed;
- U.S. Patent No. 6,866,866 was a patent-in-suit in *Sciele Pharma Inc. et al. v. Lupin Ltd., et al.*, No. 2012-1228 (Fed. Cir. July 2, 2012), which is now closed;
- U.S. Patent No. 6,866,866 was a patent-in-suit in *Shionogi Inc. et al. v. Nostrum Laboratories, Inc., et al.*, 1:12-cv-04402 (D. N.J. July 13, 2012), which is now closed; and
- U.S. Patent No. 6,866,866 and U.S. Patent No. 6,790,459 were patents-in-suit in *Shionogi Inc. and Andrx Labs. L.L.C. v. Aurobindo Pharma Ltd. et al.*, Civ. Act. No. 1:17-cv-00072-UNA (D. Del. Jan. 25, 2017), which remains pending.

### III. COUNSEL

Lead Counsel:

David L. Cavanaugh, Reg. No. 36,476

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