

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC
Petitioner

v.

ICOS CORPORATION
Patent Owner

IPR2017-01762
Patent No. 6,943,166

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 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.

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.

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 cancelation 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.

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 cancelation of Claims 1-12 of U.S. Patent 6,943,166. Institution was denied on July 3, 2017. Monosol filed a request for rehearing on July 21, 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 cancelation of

Claims 1-12 of U.S. Patent 6,943,166. Dr. Reddy's filed a Motion for Joinder with *Mylan Pharmaceuticals Inc. v. ICOS Corp.*, IPR2017-00323.

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 lead and back-up 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. A power of attorney from ICOS Corporation to Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (Customer Number 22,852) is being filed concurrently with these mandatory notices in compliance with 37 C.F.R. § 42.10(b).

Patent Owner also consents to e-mail service at ICOS-IPRs@finnegan.com and the email addresses listed below for lead and back-up counsel.

Mark J. Feldstein (Lead Counsel) Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW Washington, DC 20001-4413	Phone: (202) 408-4092 Fax: (202) 408-4400 mark.feldstein@finnegan.com USPTO Reg. No. 46,693
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