

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 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 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. The Board issued an order terminating the proceeding due to settlement after institution on August 16, 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, ICOS Corp. filed an opposition to the request for rehearing on August 9, 2017, and Monosol filed a reply to the opposition on August 16, 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. On August 14, 2017,

the parties requested authorization from the Board to file a joint motion to terminate the proceedings.

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: September 5, 2017

/Maureen D. Queler /

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