

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACTAVIS ELIZABETH LLC and TEVA PHARMACEUTICALS USA, INC.

Petitioners,

v.

NOVARTIS A.G.,

Patent Owner.

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Case No. IPR2017-01946

U.S. Patent No. 9,187,405

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**PETITIONERS' UPDATED MANDATORY NOTICES**

Pursuant to 37 C.F.R. § 42.8(a)(3), Petitioners Actavis Elizabeth LLC and Teva Pharmaceuticals USA, Inc. (collectively, “Petitioners”) hereby submit the following Updated Mandatory Notices (“Notices”).

**I. REAL PARTIES-IN-INTEREST (37 C.F.R. § 42.8(B)(1)):**

Actavis Elizabeth LLC and Teva Pharmaceuticals USA, Inc. are real parties in interest. Out of an abundance of caution, and for the purposes of this Petition only, Teva additionally discloses Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals Europe B.V., Orvet UK, Teva Pharmaceutical Holdings Coöperatieve U.A., IVAX LLC, Actavis Holdco US, Inc., Actavis LLC, Watson Laboratories, Inc., and Actavis US Holding LLC as real parties-in-interest.

**II. RELATED MATTERS (37 C.F.R. § 42.8(B)(2)):**

In IPR2014-00784, all claims of U.S. Patent No. 8,324,283 (EX1037), were found unpatentable as obvious on September 24, 2015. EX1032 (Final Written Decision, Paper 112). Although not from the same patent family as the ’405 patent, the ’283 patent included claims to pharmaceutical compositions of fingolimod, or a pharmaceutically acceptable salt thereof, that is suitable for oral administration, as well as claims directed to the treatment of multiple sclerosis using S1P receptor agonists. The Federal Circuit affirmed the Final Written Decision in all respects in

a precedential decision on April 12, 2017. EX1041 (CAFC Opinion).<sup>1</sup> IPR2017-00854 (filed Feb. 3, 2017, and instituted July 18, 2017) is the *inter partes* review to which this Petition seeks joinder. IPR2017-01550 (filed June 9, 2017 and instituted August 9, 2017) is another *inter partes* review for which joinder with IPR2017-00854 has been granted.

### III. LEAD AND BACK-UP COUNSEL (37 C.F.R. § 42.8(B)(3))

Lead Counsel	Back-Up Counsel
Amanda Hollis (Reg. No. 55,629) KIRKLAND & ELLIS LLP 300 North LaSalle Chicago, IL 60654 Telephone: (312) 862-2000 Facsimile: (312) 862-2200 amanda.hollis@kirkland.com	Eugene Goryunov (Reg. No. 61,579) KIRKLAND & ELLIS LLP 300 North LaSalle Street Chicago, Illinois 60654 Telephone: (312) 862-2000 Facsimile: (312) 862-2200 eugene.goryunov@kirkland.com
	Gregory Springsted ( <i>pro hac vice</i> motion forthcoming) KIRKLAND & ELLIS LLP 601 Lexington Avenue New York, NY 10022 Telephone: (212) 446-4800 Facsimile: (212) 446-4900 greg.springsted@kirkland.com

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<sup>1</sup> Novartis, having been a party to that proceeding, is now precluded from challenging the issues that were finally decided in that case. *See B&B Hardware, Inc. v. Hargis Industries, Inc.*, 135 S. Ct. 1293 (2015).

A Power of Attorney pursuant to 37 C.F.R. § 42.10(b) is filed herewith.

**IV. SERVICE INFORMATION – 37 C.F.R. § 42.8(B)(4).**

Please direct all correspondence regarding this Petition to lead counsel at the above address. Petitioners consent to service by email at:

amanda.hollis@kirkland.com, eugene.goryunov@kirkland.com, and  
greg.springsted@kirkland.com.

Date: August 16, 2017

Respectfully submitted,

*/s/ Amanda Hollis*

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Amanda Hollis (Reg. No. 55,629)  
KIRKLAND & ELLIS LLP  
300 North LaSalle Street  
Chicago, IL 60654  
P: (312) 862-2000  
F: (312) 862-2200  
amanda.hollis@kirkland.com  
eugene.goryunov@kirkland.com

*Attorneys For Petitioners*

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), this is to certify that I caused to be served a true and correct copy of the foregoing Petitioners' Updated Mandatory Notices by overnight courier (Federal Express), on this 16th day of August, 2017, on the Patent Owner at the correspondence address of the Patent Owner as follows:

Novartis Pharmaceutical Corporation  
Intellectual Property Department  
One Health Plaza 433/2  
East Hanover, NJ 07936-1080

A courtesy copy of the foregoing was also served via email on the counsel of record for the Petitioner and Patent Owner in the Apotex IPR, IPR2017-00854, and the Argentum IPR, IPR2017-01550 as follows:

**IPR2017-00854 Petitioner**

Steve Parmelee  
Michael Rosato  
Jad A. Mills  
Wilson Sonsini Goodrich & Rosati  
701 Fifth Avenue, Suite 5100  
Seattle, WA 98104  
sparmelee@wsgr.com  
mrosato@wsgr.com  
jmills@wsgr.com

**Patent Owner**

Jane M. Love  
Robert W. Trenchard  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, NY 10166-0193  
jlove@gibsondunn.com  
rtrenchard@gibsondunn.com

**IPR2017-01550 Petitioner**

Terry Rea  
Deborah H. Yellin  
Shannon Lentz  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004-2595

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