

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLATWING PHARMACEUTICALS, LLC,
Petitioner

v.

ANACOR PHARMACEUTICALS, INC.,
Patent Owner

Case No. IPR2018-00168
U.S. Patent No. 9,549,938

Mailed: June 5, 2018

**PETITIONER'S UPDATED MANDATORY NOTICES
PURSUANT TO 37 C.F.R. § 42.8**

Pursuant to 37 C.F.R. 42.8(a)(3), Petitioner, FlatWing Pharmaceuticals, LLC, hereby updates its mandatory notices. The notices have been updated to include *Anacor Pharm., Inc. v. Iancu*, 889 F.3d 1372 (Fed. Cir. May 14, 2018) as a Related Matter. For the Board's convenience, the updated information is underlined.

1. Real Parties-In-Interest, § 42.8(b)(1)

The real parties-in-interest are FlatWing Pharmaceuticals, LLC, Rajneesh Ahuja, and Wicker Pharmaceuticals, LLC (collectively "FlatWing" or "Petitioner").

2. Related Matters, § 42.8(b)(2)

There are no judicial matters pending that would affect, or be affected by, a decision in the proceeding.

The Federal Circuit's May 14, 2018 decision in *Anacor Pharm., Inc. v. Iancu*, 889 F.3d 1372 (Fed. Cir. 2018) concerns U.S. Patent No. 7,582,621, to which U.S. Patent No. 9,549,938 claims priority. The Federal Circuit affirmed the Board's decision in IPR2015-01776, which canceled claims 1–12 of the '621 patent.

Administrative matters that would or could affect or be affected by a decision in a proceeding instituted on this petition are United States Patent Applications Ser. No. 15/355,393 and Ser. No. 15/355,813.

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This petition is one of four petitions that Petitioner filed concurrently, requesting *inter partes* review of U.S. Patents Nos. 9,549,938 B2, 9,566,289 B2, 9,566,290 B2, and 9,572,823 B2. Each of the four would or could affect, or be affected by, a decision in any of the other three proceedings. The other three proceedings with respect to the case at bar are as follows:

- Case No. IPR2018-00169, *inter partes* review of U.S. Patent No. 9,566,289, which received its Notice of Filing Date Accorded to Petition on December 12, 2017;
- Case No. IPR2018-00170, *inter partes* review of U.S. Patent No. 9,566,290; and
- Case No. IPR2018-00171, *inter partes* review of U.S. Patent No. 9,572,823.

In addition, although not currently subject to administrative proceedings that would affect or be affected by a decision in a proceeding instituted on this petition, issued patents which assert the same claim of priority as U.S. Patent No. 9,549,938 and have substantially the same specification are:

- U.S. Patent No. 7,582,621
- U.S. Patent No. 7,767,657
- U.S. Patent No. 8,039,451
- U.S. Patent No. 8,115,026

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- U.S. Patent No. 8,440,642
- U.S. Patent No. 8,722,917
- U.S. Patent No. 8,889,656
- U.S. Patent No. 9,353,133
- U.S. Patent No. 9,566,290
- U.S. Patent No. 9,572,823
- U.S. Patent No. 9,566,289

3. Lead and Back-Up Counsel, § 42.8(b)(3)

The following are designated as lead counsel and back-up counsel, pursuant to 37 C.F.R. § 42.10. A Power of Attorney is being filed concurrently herewith.

Lead counsel is:

Philip D. Segrest, Jr. (Reg. No. 39,021)

Back-up counsel is:

Eric J. Rakestraw (Reg. No. 68,740).

Additional Back-up counsel is:

Edward D. Manzo (Reg. No. 28,139).

4. Service Information, § 42.8(b)(4)

Papers concerning this matter should be served on the following:

(i) Electronic Mailing Address

Petitioner consents to service by email at:

Philip.Segrest@HuschBlackwell.com
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(ii) Postal Mailing Address

HUSCH BLACKWELL, LLP
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(iii) Hand-Delivery Address

Same as postal mailing address.

(iv) Telephone number

(312) 655-1500

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(312) 655-1501

Respectfully submitted,

June 5, 2018

/Philip D. Segrest Jr./

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