

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN TECHNOLOGIES, INC.

Petitioner

v.

NOVEN PHARMACEUTICALS, INC.

Patent Owner.

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Case No. IPR2018-00174

U.S. Patent No. 9,730,900

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**NOVEN PHARMACEUTICALS, INC.'S  
MANDATORY NOTICES UNDER 37 C.F.R. § 42.8**

Pursuant to 37 C.F.R. § 42.8, Noven Pharmaceuticals, Inc. (“Noven”) provides this Mandatory Notice within 21 days of service of the Petition (Paper 2) on December 4, 2017.

**I. Real Party-in-Interest Pursuant to 37 C.F.R. § 42.8 (b)(1):**

Noven is the sole owner of U.S. Patent No. 9,730,900 (the “’900 patent”).

Noven Pharmaceuticals, Inc., a wholly owned subsidiary of Hisamitsu Pharmaceutical Co., Inc., and Hisamitsu Pharmaceutical Co., Inc. are the real parties-in-interest with respect to the Patent Owner in IPR2018-00174.

**II. Related Matters Pursuant to 37 C.F.R. § 42.8 (b)(2):**

Noven is aware of the following judicial or administrative matters that would affect, or be affected by, a decision in the instant proceeding:

The ’900 patent is being asserted in the following patent infringement lawsuits currently pending in the United States District Court for the District of Delaware: (1) *Noven Pharmaceuticals, Inc. v. Alvogen Pine Brook LLC et al.*, C.A. No. 1-17-cv-01429-LPS (D. Del.); and (2) *Noven Pharmaceuticals, Inc. v. Mylan Technologies Inc. et al.*, C.A. No. 1-17-cv-01777 (D. Del.).

U.S. Patent No. 9,724,310 (“the ’310 patent”) claims benefit of the ’900 patent. The ’310 patent is being asserted in each of the above-listed lawsuits. The ’310 patent also is the subject of a petition for *Inter Partes* Review, IPR2018-

00173, filed on December 4, 2017.

The '900 patent is a continuation of U.S. Patent Application No. 12/216,811, now U.S. Patent No. 8,231,906 (the '906 patent"). The '906 patent was asserted in the following patent infringement lawsuits currently pending in the United States District Court for the District of Delaware: (1) *Noven Pharmaceuticals, Inc. v. Actavis Laboratories UT Inc.*, C.A. No. 1-15-cv-00249-LPS (D. Del.); and (2) *Noven Pharmaceuticals, Inc. v. Actavis Laboratories UT Inc.*, C.A. No. 1-16-cv-00465 (D. Del.). The '906 patent also was the subject of the following patent infringement lawsuits which have terminated: (1) *Alvogen Pine Brook LLC v. Noven Pharmaceuticals, Inc.*, C.A. No. 1-16-cv-00395-LPS (D. Del.); (2) *Noven Pharmaceuticals, Inc. v. Mylan Technologies Inc. et al.*, C.A. No. 1-15-cv-00069 (N.D.W. Va.); and (3) *Noven Pharmaceuticals, Inc. v. Mylan Technologies Inc. et al.*, C.A. No. 1-15-cv-00328 (D. Del.).

The following pending continuing patent application claims the benefit of the '906, '310, and '900 patents: U.S. Patent Application No. 14/738,255.

**III. Lead and Back-Up Counsel Pursuant to 37 C.F.R. §§ 42.8(b)(3):**

Noven designates the following Lead and Back-up Counsel. Since the designated counsel is already counsel of record in the subject patent, a power of attorney is not being concurrently submitted pursuant to 37 C.F.R. § 42.10(b).

<b>Lead Counsel</b>	<b>Back-up Counsel</b>
Courtenay C. Brinckerhoff Reg. No. 37,288  Foley & Lardner LLP 3000 K Street, N.W. , Suite 600 Washington, D.C. 20007-5109 CBrinckerhoff@foley.com Tel: 202-295-4094 Fax: 202-672-5399	Jason N. Mock Reg. No. 69,186  Foley & Lardner LLP 3000 K Street, N.W. , Suite 600 Washington, D.C. 20007-5109 JMock@foley.com Tel: 202-295-4775 Fax: 202-672-5399

**IV. Service Information Pursuant to 37 C.F.R. §§ 42.8(b)(4):**

Pursuant to the requirements of 37 C.F.R. § 42.8(b)(4), Noven may be served by postal mailing or hand-delivery as follows:

Courtenay C. Brinckerhoff  
Foley & Lardner LLP  
3000 K Street, N.W. , Suite 600  
Washington, D.C. 20007-5109

Noven also consents to service by electronic mail at:

CBrinckerhoff@foley.com

JMock@foley.com and

FIRM-Noven-MylanIPRs@foley.com.

Any questions concerning this paper may be directed to lead counsel.

Respectfully submitted,

Dated: December 21, 2017

/Courtenay C. Brinckerhoff /  
Courtenay C. Brinckerhoff  
Registration No. 37,288

Jason N. Mock  
Registration No. 69,186

Counsel for Patent Owner  
Foley & Lardner LLP

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