

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ARGENTUM PHARMACEUTICALS LLC,  
Petitioner,

v.

MERCK PATENTGESELLSCHAFT MIT  
BESCHRÄNKTER HAFTUNG,  
Patent Owner.

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Case IPR2018-00423  
U.S. Patent 8,673,921

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**MANDATORY NOTICES PURSUANT TO 37 C.F.R. § 42.8**

Pursuant to 37 C.F.R. § 42.8, Patent Owner Merck Patentgesellschaft Mit Beschränkter Haftung respectfully submits the following Mandatory Notices.

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

The Real Parties in Interest for the Patent Owner are Merck Patentgesellschaft Mit Beschränkter Haftung; Merck KGaA; Allergan Sales, LLC (successor in interest to Forest Laboratories, LLC); and Forest Laboratories Holdings, Ltd. Allergan Sales, LLC and Forest Laboratories Holdings, Ltd. are both indirect, wholly owned subsidiaries of Allergan plc.

**II. 37 C.F.R. § 42.8(b)(2) – Related Matters**

U.S. Patent No. 8,673,921 (“the ’921 patent”) was a patent-in-suit in the following litigations, which are now closed: *Forest Laboratories, LLC et al. v. Accord Healthcare, Inc.*, Civ. Action No. 15-cv-272 (D. Del. 2015); *Forest Laboratories, LLC et al. v. Alembic Pharmaceuticals Ltd. et al.*, Civ. Action No. 15-cv-273 (D. Del. 2015); *Forest Laboratories, LLC et al. v. Apotex Inc. et al.*, Civ. Action No. 15-cv-274 (D. Del. 2015); *Forest Laboratories, LLC et al. v. Teva Pharmaceuticals USA Inc.*, Civ. Action No. 15-cv-275 (D. Del. 2015); *Forest Laboratories, LLC et al. v. InvaGen Pharmaceuticals Inc.*, Civ. Action No. 15-cv-277 (D. Del. 2015); and *Forest Laboratories, LLC et al. v. InvaGen Pharmaceuticals Inc.*, Civ. Action No. 15-cv-1078 (D. Del. 2015), all of which were consolidated into

*Forest Laboratories, LLC et al. v. Accord Healthcare, Inc. et al.*, Civ. Action No. 15-cv-272-GMS (consolidated) (D. Del. 2015).

The '921 patent is related to U.S. Patent Nos. 7,381,726, 7,834,020, 7,981,894, 8,193,195, 8,236,804, 8,318,744, 8,927,552, 8,921,375, and 9,624,204, PCT Application no. PCT/EP02/06153, filed on June 5, 2002 and European Application No. EP 01113647, filed on June 19, 2001. The '921 patent is also related to U.S. Application Serial No. 15/454,642, which was filed on March 9, 2017.

### **III. Lead and Back-Up Counsel**

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A Power of attorney is being filed concurrently with these Mandatory Notices.

**IV. 37 C.F.R. § 42.8(b)(4) – Service Information**

Please address all correspondence to the counsel as shown above. Patent Owner consents to electronic service by email at the email addresses above. The addresses listed for lead and backup counsel above are the postal mail addresses and hand delivery addresses as required by 37 C.F.R. § 42.8(b)(4).

Date: January 26, 2018

Respectfully Submitted,

/Emily R. Whelan/  
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**Certificate of Service**

I hereby certify that on January 26, 2018, I caused a true and correct copy of the Mandatory Notices Pursuant to 37 C.F.R. § 42.8 and Patent Owner Merck Patentgesellschaft Mit Beschränkter Haftung's Power of Attorney to be served via email on the following attorneys for Petitioner:

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