

Filed on behalf of: Aventis Pharma S.A.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEPTUNE GENERICS, LLC
Petitioner,

v.

AVENTIS PHARMA S.A.
Patent Owner.

Case IPR2019-00136
U.S. Patent No. 5,847,170

AVENTIS PHARMA S.A.
MANDATORY NOTICES – 37 C.F.R. § 42.8

Pursuant to 37 C.F.R. § 42.8, Aventis Pharms S.A. (the “Patent Owner”), as indicated by the assignment recorded at Reel/Frame 007959 / 0343, 011641 / 0962, and 011566 / 0692 submits the following Mandatory Notices.

Real Party-In-Interest (37 C.F.R. § 42.8 (b)(1)):

Pursuant to the requirements of 37 C.F.R. § 42.8(a)(2), the real party-in-interest is Aventis Pharma S.A. (the “Patent Owner”). Sanofi, the ultimate parent company of Aventis Pharma S.A., and Sanofi-Aventis U.S. LLC, an affiliate of Aventis Pharma S.A., are also real parties-in interest.

Related Matters (37 C.F.R. § 42.8 (b)(2)):

Patent Owner, along with Sanofi-Aventis U.S. LLC and Sanofi (collectively “Sanofi”) filed complaints alleging infringement of U.S. Patent No. 5,847,170 (“the ’170 patent”) by nine defendants in the United States District Court for the District of New Jersey. After an eight-day bench trial, the court entered judgment on March 5, 2018 finding the ’170 patent infringed and not invalid. *Sanofi-Aventis U.S. LLC et al. v. Fresenius Kabi USA, LLC et al.*, C. A. No. 14-7869 (MAS)(LHG), D.I. 320 (D.N.J. Mar. 5, 2018). The Defendants’ appeal of this judgment is currently pending before the United States Court of Appeals for the Federal Circuit at Case Nos. 18-1804, 18-1808, and 18-1809.

The ’170 patent was also the subject of a petition for *inter partes* review. *Mylan Labs. Ltd. v. Aventis Pharma S.A.*, IPR2016-00627. The Board denied

institution on obviousness grounds on August 23, 2016 (Paper 10), and denied Petitioner's request for rehearing on January 26, 2017 (Paper 12).

Also, the following patent applications claim the benefit of the priority of the filing date of the subject patent: U.S. Patent Application Nos. 09/066,929 (now U.S. Patent No. 6,331,635), 09/752,779 (now U.S. Patent No. 6,372,780), and 09/985,956 (now U.S. Patent No. 6,387,946).

Designation of Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3)):

Lead counsel is Daniel J. Minion (Reg. No. 53,329). Dominick A. Conde is designated as back-up counsel (Reg. No. 33,856). William E. Solander, Jason A. Leonard, and Melinda R. Roberts are designated as back-up counsel requiring *pro hac vice* admission to appear in this proceeding.

A power of attorney from Aventis Pharma S.A. is being submitted with this Notice.

Service Information (37 C.F.R. § 42.8(b)(4)):

Aventis Pharma S.A. may be served by postal mailing, hand-delivery, telephone or facsimile as follows:

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

November 19, 2018

Respectfully submitted,

/Daniel J. Minion/

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