

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

Case No. IPR2020-00040
U.S. Patent No. 7,326,708

**SECOND AMENDED MANDATORY NOTICES OF
PATENT OWNER MERCK SHARP & DOHME CORP.**

Pursuant to 37 C.F.R. § 42.8(a)(3), Patent Owner Merck Sharp & Dohme Corp. submits the following revised Mandatory Notices in response to the above captioned Petition for *Inter Partes Review* of U.S. Patent No. 7,326,708 (Case No. IPR2020-00040). There are no changes to the real party-in-interest. Pursuant to 37 CFR § 42.8(b)(2), the list of back-up counsel has been revised to include the designation of Alexander S. Zolan and Elise M. Baumgarten, and the service information has been updated to reflect that change.¹ The list of related matters below has also been updated to remove judicial actions that have concluded.

I. Real Parties in Interest, 37 C.F.R. § 42.8(b)(1)

Merck is the owner and assignee of U.S. Patent No. 7,328,708 (“the ’708 patent”). Merck is a wholly owned subsidiary of Merck & Co., Inc. Merck & Co., Inc. has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

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

The ’708 patent is currently the subject of the following litigations:

- *In re Sitagliptin ('708 & '921) Patent Litigation*, Case No. 1:19-md-02902-RGA (D. Del.)

¹ The Board has conditionally approved the *Pro Hac Vice* admission of Mr. Zolan and Ms. Baumgarten. Paper 25.

- *Merck Sharp & Dohme Corp. v. Alvogen Pine Brook LLC f/k/a Alvogen Pine Brook, Inc. and Alvogen Malta Operations Ltd.*, Case No. 1:19-cv-00310-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Anchen Pharmaceuticals, Inc. and Par Pharmaceutical, Inc.*, Case No. 1:19-cv-00311-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Sandoz Inc.*, Case No. 1:19-cv-00312-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Apotex Inc., and Apotex Corp.*, Case No. 1:19-cv-00313-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Ltd.*, Case No. 1:19-cv-00314 (D. Del.);
- *Merck Sharp & Dohme Corp. v. Watson Laboratories, Inc. and Teva Pharmaceuticals USA, Inc.*, Case No. 1:19-cv-00317-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Teva Pharmaceuticals USA, Inc.*, Case No. 1:19-cv-00318-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Sun Pharmaceutical Industries Ltd.*, Case No. 1:19-cv-00319-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Lupin Limited and Lupin Pharmaceuticals, Inc.*, Case No. 1:19-cv-00347-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Mylan Pharmaceuticals Inc. and Mylan Inc.*, Case No. 1:19-cv-00101-IMK (N.D. W. Va.); and
- *Merck Sharp & Dohme Corp. v. Mylan Pharmaceuticals Inc. and Mylan Inc.*, Case No. 1:19-cv-01489-RGA (D. Del.).

III. Lead & Backup Counsel, 37 C.F.R. § 42.8(b)(3)

Merck designates the following attorney as lead counsel:

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Powers of attorney appointing these attorneys to transact all business in this proceeding on behalf of Merck have been submitted or will be submitted with this mandatory notice information.

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

Counsel for Merck submits the following service information:

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

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Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

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