

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

**THIRD 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, the lead and back-up counsel, or the service information. Pursuant to 37 CFR § 42.8(b)(2), the list of related matters below has been updated to include new judicial and administrative actions that could be affected by a decision in the proceeding and 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.)
- *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. Apotex Inc., and Apotex Corp.*, Case No. 1:20-cv-00749-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. Lupin Limited and Lupin Pharmaceuticals, Inc.*, Case No. 1:20-cv-00776-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Ajanta Pharma Limited and Ajanta Pharma USA Inc.*, Case No. 1:20-cv-00815-UNA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Dr. Reddy's Laboratories Ltd. and Dr. Reddy's Laboratories, Inc.*, Case No. 1:20-cv-00847-UNA (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.).

The '708 patent is currently the subject of the following administrative proceedings:

- *Mylan Pharmaceuticals Inc. v. Merck Sharp & Dohme Corp.*, IPR2020-00040;
- *Teva Pharmaceuticals USA, Inc. et al v. Merck Sharp & Dohme Corp.*, IPR2020-01045;
- *Dr. Reddy's Laboratories, Inc. et al v. Merck Sharp & Dohme Corp.*, IPR2020-01060; and
- *Sun Pharmaceutical Industries, LTD. v. Merck Sharp & Dohme Corp.*, IPR2020-01072.

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

Merck designates the following attorney as lead counsel:

Stanley E. Fisher
Reg. No. 55,820
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5000
F: (202) 434-5029
sfisher@wc.com

Merck designates the following attorney as first backup counsel:

Jessamyn S. Berniker
Reg. No. 72,328
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5000
F: (202) 434-5029
jberniker@wc.com

Merck designates the following attorneys as backup counsel:

Bruce R. Genderson
(Pro Hac Vice)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5000
F: (202) 434-5029
bgenderson@wc.com

Alexander S. Zolan
(Pro Hac Vice)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5208
F: (202) 434-5029
azolan@wc.com

Elise M. Baumgarten
(Pro Hac Vice)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5894
F: (202) 434-5029
ebaumgarten@wc.com

Shaun P. Mahaffy
Reg. No. 75,534
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5000
F: (202) 434-5029
smahaffy@wc.com

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