

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS USA,
INC., WATSON LABORATORIES, INC., DR. REDDY'S LABORATORIES,
INC., DR. REDDY'S LABORATORIES, LTD., and SUN
PHARMACEUTICALS INDUSTRIES LTD.,
Petitioners,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

Case No. IPR2020-00040¹
U.S. Patent No. 7,326,708

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

¹ Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. were joined as a party to this proceeding via Motion for Joinder in IPR2020-01045; Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. were joined as a party to this proceeding via a Motion for Joinder in IPR2020-01060; and Sun Pharmaceuticals Industries Ltd. was joined as a party to this proceeding via Motion for Joinder in IPR2020-01072.

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), the list of back-up counsel has been revised to include the designation of David M. Krinsky, and the service information has been updated to reflect that change. The list of related matters below has also been updated to add new judicial actions and remove those 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. 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.).
- *Merck Sharp & Dohme Corp. v. Aurobindo Pharma Limited and Aurobindo Pharma USA, Inc.*, Case No. 1:20-cv-00949-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Aurobindo Pharma Limited and Aurobindo Pharma USA, Inc.*, Case No. 1:20-cv-01099-RGA (D. Del.); and

- *Merck Sharp & Dohme Corp. v. Unichem Laboratories Limited and Unichem Pharmaceuticals (USA), Inc.*, Case No. 1:20-cv-01227-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)

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