

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,  
Petitioner,

v.

MERCK SHARP & DOHME CORP.,  
Patent Owner.

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

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**FIRST 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 a new judicial action that could be affected by a decision in the proceeding. *See, infra, Merck Sharp & Dohme Corp. v., Accord Healthcare, Inc., Accord Healthcare Ltd., and Intas Pharms Ltd.*, Case No. 1:19-cv-02192-UNA (D. Del.).

**1. 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.

**2. Revised 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. Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Ltd.*, Case No. 1:19-cv-00314 (D. Del.);
- *Merck Sharp & Dohme Corp. v. Macleods Pharmaceuticals Limited and Macleods Pharma USA, Inc.*, Case No. 1:19-cv-00316-RGA (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. Torrent Pharmaceuticals Limited and Torrent Pharma Inc.*, Case No. 1:19-cv-00320-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Torrent Pharmaceuticals Limited and Torrent Pharma Inc.*, Case No. 1:19-cv-00872-RGA (D. Del.);
- *Merck Sharp & Dohme Corp. v. Wockhardt Bio AG and Wockhardt USA LLC*, Case No. 1:19-cv-00321-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.).

- *Merck Sharp & Dohme Corp. v., Accord Healthcare, Inc., Accord Healthcare Ltd., and Intas Pharms Ltd.*, Case No. 1:19-cv-02192-UNA (D. Del.).

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

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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.

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

Counsel for Merck submits the following service information:

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