

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

**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)

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