

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC. AND WATSON LABORATORIES,
INC.
Petitioners,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

Case No. IPR2020-01045
U.S. Patent No. 7,326,708

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

Pursuant to 37 C.F.R. § 42.8(a)(2), Patent Owner Merck Sharp & Dohme (“Merck”) submits the following mandatory notices:

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;
- *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* Motion to be submitted)
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* Motion to be submitted)
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* Motion to be submitted)
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

Anthony H. Sheh
Reg. No. 70,576
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5436
F: (202) 434-5029
asheh@wc.com

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.

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.

Real-Time Litigation Alerts



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.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.