

IN THE 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 IPR2020-01045

Patent 7,326,708

PETITIONERS' UPDATED MANDATORY NOTICES

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Pursuant to 37 CFR § 42.8(b)(3), Petitioners Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. hereby file the following Updated Mandatory Notices.¹

A. Each Real Party in Interest (37 C.F.R. § 42.8(b)(1))

The following real parties in interest are identified: Teva Pharmaceutical Industries, Ltd., Teva Pharmaceuticals USA, Inc., and Watson Laboratories, Inc.

B. Notice of Related Matters (37 C.F.R. § 42.8(b)(2))

1. Judicial Matters Involving the '708 Patent

The '708 patent is currently the subject of the following litigations: *Merck Sharp & Dohme Corp. v. Aurobindo Pharma Limited et al.*, 1-20-cv-00949 (D. Del.); *Merck Sharp & Dohme Corp. v. Dr. Reddy's Laboratories, Inc. et al.*; 1-20-cv-00847 (D. Del.); *Merck Sharp & Dohme Corp. v. Ajanta Pharma Limited et al.*, 1-20-cv-00815 (D. Del.); *Merck Sharp & Dohme Corp. v. Lupin Limited et al.*, 1-20-cv-00776 (D. Del.); *Merck Sharp & Dohme Corp. v. Apotex Inc. et al.*, 1-20-cv-00749 (D. Del.); *Merck Sharp & Dohme Corp. v. Torrent Pharmaceuticals Ltd. et al.*, 1:19-cv-00872 (D. Del.)²; *Merck Sharp & Dohme Corp. v. Mylan Pharmaceuticals Inc. et al.*, 1:19-cv-00101 (N.D. W.Va.); *Merck Sharp & Dohme Corp. v. Mylan*

¹ Petitioners' mandatory notices are updated to reflect the admission *pro hac vice* of Ms. Rapalino (*see* Paper 15).

² This case was terminated pursuant to a consent judgment entered on February 19, 2020.

Pharmaceuticals Inc. et al., 1:19-cv-01489 (D. Del.); *Merck Sharp & Dohme Corp. v. Alvogen Pine Brook f/k/a Alvogen Pine Brook, Inc. et al.*, 1:19-cv-00310 (D. Del.)³; *Merck Sharp & Dohme Corp. v. Anchen Pharmaceuticals, Inc. et al.*, 1:19-cv-00311 (D. Del.); *Merck Sharp & Dohme Corp. v. Sandoz, Inc.*, 1:19-cv-00312 (D. Del.); *Merck Sharp & Dohme Corp. v. Apotex Inc. et al.*, 1:19-cv-00313 (D. Del.); *Merck Sharp & Dohme Corp. v. Zydus Pharmaceuticals (USA) Inc. et al.*, 1:19-cv-00314 (D. Del.); *Merck Sharp & Dohme Corp. v. Macleods Pharmaceuticals, Ltd. et al.*, 1:19-cv-00316 (D. Del.)⁴; *Merck Sharp & Dohme Corp. v. Watson Pharmaceuticals, Inc. et al.*, 1:19-cv-00317 (D. Del.); *Merck Sharp & Dohme Corp. v. Teva Pharmaceuticals USA, Inc.*, 1:19-cv-00318 (D. Del.); *Merck Sharp & Dohme Corp. v. Sun Pharma Global FZE et al.*, 1:19-cv-00319 (D. Del.); *Merck Sharp & Dohme Corp. v. Torrent Pharmaceuticals Limited et al.*, 1:19-cv-00320 (D. Del.)⁵; *Merck Sharp & Dohme Corp. v. Wockhardt Bio AG et al.*, 1:19-cv-00321 (D. Del.)⁶; *Merck Sharp & Dohme Corp. v. Lupin Ltd. et al.*, 1:19-cv-00347 (D. Del.); *Merck Sharp & Dohme Corp. v. Accord Healthcare, Inc.*, 1:19-cv-

³ This case was terminated pursuant to a consent judgment entered on July 16, 2020.

⁴ This case was terminated pursuant to a consent judgment entered on April 28, 2020.

⁵ This case was terminated pursuant to a consent judgment entered on February 19, 2020.

⁶ This case was terminated pursuant to a consent judgment entered on May 28, 2020.

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02192 (D. Del.)⁷; *Merck Sharp & Dohme Corp. v. Apotex Inc.*, 1:20-cv-749 (D. Del.) and *In re Sitagliptin Phosphate ('708 & '921) Patent Litigation*, C.A. No. 19-md-2902-RGA (D. Del.).

2. Administrative Matters

The Public Patent Application Information Retrieval (PAIR) website indicates that there are no related United States patents or pending applications. The '708 patent is currently the subject of the following *inter partes* reviews: *Mylan Pharmaceuticals Inc. v. Merck Sharp & Dohme Corp.*, IPR2020-00040 (P.T.A.B.); *Dr. Reddy's Laboratories, Inc. v. Merck Sharp & Dohme Corp.*, IPR2020-01060 (P.T.A.B.); *Sun Pharmaceuticals Industries Ltd. v. Merck Sharp & Dohme Corp.*, IPR2020-01072 (P.T.A.B.).

C. Designation of Lead and Back-Up Counsel and Service (37 C.F.R. §§ 42.8(b)(3), 42.8(b)(4))

Lead Counsel	Back-Up Counsel
Keith A. Zullo (Reg. No. 37,975) GOODWIN PROCTER LLP The New York Times Building 620 Eighth Avenue New York, NY 10018-1405 kzullo@goodwinprocter.com Tel: 212-813-8846 Fax: 646-558-4226	Sarah J. Fischer (Reg. No. 74,104) GOODWIN PROCTER LLP 100 Northern Avenue Boston, MA 02210 sfischer@goodwinprocter.com Tel: 617-570-3908 Fax: 617-801-8991

⁷ This case was terminated pursuant to a consent judgment entered on March 27, 2020.

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Pursuant to 37 C.F.R. § 42.8(b)(4), counsel for Petitioner agrees to service by mail as detailed above and to electronic service by email to the email addresses above.

Dated: August 20, 2020

/ Keith A. Zullo /
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