

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWI PHARMACEUTICALS, INC.,
Petitioner,

v.

MERCK SERONO SA,
Patent Owner.

Case IPR2023-00049
U.S. Patent No. 7,713,947

**PATENT OWNER'S
MANDATORY NOTICES UNDER 37 C.F.R. § 42.8**

Pursuant to 37 C.F.R. § 42.8, Patent Owner respectfully submits this Mandatory Notice within 21 days of service of the Petition (Paper 1).

I. 37 C.F.R. § 42.8(b)(1) – Real Party-in-Interest

The Real Parties-in-Interest for the Patent Owner are Merck Serono SA, Merck KGaA, and Ares Trading SA. Merck Serono SA and Ares Trading SA are wholly owned subsidiaries of Merck KGaA.

II. 37 C.F.R. § 42.8(b)(2) – Related Matters

U.S. Patent No. 7,713,947 (“the ’947 patent”) is a patent-in-suit in the following litigations: *Merck KGaA, Merck Serono SA, and Ares Trading SA v. Accord Healthcare, Inc.*, No. 1:22-cv-00974-GBW (D. Del.) and *Merck KGaA, Merck Serono SA, and Ares Trading SA v. Hopewell Pharma Ventures, Inc.*, No. 1:22-cv-1365-GBW (D. Del.).

The ’947 patent is related to U.S. Patent No. 8,377,903 (“the ’903 patent”), which issued from an application that was filed as a continuation of the ’947 patent. Petitioner has concurrently filed a petition for *inter partes* review of the ’903 patent.

III. Lead And Back-Up Counsel Under § 42.8(b)(3)

Pursuant to 37 C.F.R. § 42.8(b)(3), Patent Owner designates the following Lead and Back-up Counsel. A power of attorney is concurrently submitted herewith pursuant to 37 C.F.R. § 42.10(b).

Lead Counsel	Back-up Counsel
Emily R. Whelan Reg. No. 50,391 Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 Tel: 617-526-6567 Email: Emily.Whelan@wilmerhale.com	First Back-up Counsel Deric Geng Reg. No. 73,434 Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 Tel: 617-526-6026 Email: Deric.Geng@wilmerhale.com Second Back-up Counsel Cindy Kan Reg. No. 76,385 Wilmer Cutler Pickering Hale and Dorr LLP 7 World Trade Center 250 Greenwich Street New York, NY 10007 Tel: 212-295-6470 Email: Cindy.Kan@wilmerhale.com

IV. 37 C.F.R. § 42.8(b)(4) – Service Information

Patent Owner consents to electronic email service at:

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Respectfully submitted,

Date: November 3, 2022

By: /Emily R. Whelan/
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CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2022, a true and correct copy of the following documents:

- Patent Owner's Mandatory Notices Under 37 C.F.R. § 42.8
- Merck Serono SA Power of Attorney Under 37 C.F.R. §42.10

were served via e-mail on the following attorneys of record:

<p>Lead Counsel Philip D. Segrest, Jr. Reg. No. 39,021 Husch Blackwell LLP 120 South Riverside Plaza, Suite 2200 Chicago, IL 60606 (312) 655-1500 Tel (312) 655-1501 Fax Philip.Segrestc@huschblackwell.com</p>	<p>Backup Counsel Nathan P. Sportel Reg. No. 67,980 Husch Blackwell LLP 120 South Riverside Plaza, Suite 2200 Chicago, IL 60606 (312) 655-1500 Tel (312) 655-1501 Fax Nathan.Sportel@huschblackwell.com</p> <p>Stephen R. Howe Reg. No. 67,015 Husch Blackwell LLP 511 North Broadway, Suite 1100 Milwaukee, WI 53202 (414) 978-5393 Tel (312) 655-1501 Fax Steve.Howe@huschblackwell.com</p>
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By: /Cindy Kan/

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