

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TWI PHARMACEUTICALS, INC.,  
Petitioner,

v.

MERCK SERONO SA,  
Patent Owner.

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Case IPR2023-00050  
U.S. Patent No. 8,377,903

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**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. 8,377,903 (“the ’903 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 ’903 patent is related to U.S. Patent No. 7,713,947 (“the ’947 patent”), where the ’903 patent 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 ’947 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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