

**Filed On Behalf Of:**

Novartis AG and LTS Lohmann Therapie-Systeme AG

**By:**

Raymond R. Mandra  
ExelonPatchIPR@fchs.com  
(212) 218-2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**NOVEN PHARMACEUTICALS INC.  
AND MYLAN PHARMACEUTICALS INC.,**  
Petitioners

v.

**NOVARTIS AG AND LTS LOHMANN THERAPIE-SYSTEME AG,**  
Patent Owners

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*Inter Partes* Review No. 2014-00549<sup>1</sup> (U.S. Patent No. 6,316,023)  
*Inter Partes* Review No. 2014-00550<sup>2</sup> (U.S. Patent No. 6,335,031)<sup>3</sup>

**THIRD UPDATE TO PATENT OWNERS' MANDATORY NOTICES  
PURSUANT TO PURSUANT TO 37 C.F.R. § 42.8(a)(3)**

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<sup>1</sup> Case IPR2015-00265 has been joined with this proceeding.

<sup>2</sup> Case IPR2015-00268 has been joined with this proceeding.

<sup>3</sup> Patent Owner attests that the word-for-word identical paper is filed in each proceeding identified in the heading.

Pursuant to 37 C.F.R. § 42.8(a)(3), Novartis AG and LTS Lohmann Therapie-Systeme AG (“Patent Owners”) submit the following update to their April 23, 2014 Mandatory Notices (Paper No. 6).

**Related Matters (37 C.F.R. § 42.8 (b)(2)):** On November 12, 2015, Petitioner Noven Pharmaceuticals Inc. (“Noven”) filed a voluntary motion to dismiss with prejudice its appeal of the decision of the United States District Court for the District of Delaware, which held that the ’031 Patent is not invalid as obvious or for obviousness-type double patenting in *Novartis v. Noven*, C.A. Nos. 13-527-RGA and 14-111-RGA, parallel District Court proceedings related to IPR Nos. 2014-00549 and 2014-00550.<sup>4</sup> *See Novartis Pharms. Corp. v. Noven Pharmaceuticals, Inc.*, No. 2015-2051, Unopposed Motion to Voluntarily Dismiss Appeal (Fed. Cir. Nov. 12, 2015) (D.I. 16). The United States Court of Appeals for the Federal Circuit on November 13, 2015, granted Noven’s motion to dismiss. *Novartis*, No. 2015-2015, Order (D.I. 17). Thus, the District of Delaware’s

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<sup>4</sup> As stated in Patent Owners’ Second Update Patent Owners’ Mandatory Notices Pursuant To Pursuant To 37 C.F.R. § 42.8(a)(3), the ’023 Patent challenged in IPR No. 2014-00549 was no longer at issue in the parallel District Court proceedings. (Paper 68.)

holding that the '031 Patent is not invalid as obvious or for obviousness-type double patenting, as well as the underlying findings of fact, constitute a final decision from which no appeal may be taken.

Respectfully submitted,

Dated: November 13, 2015

/s/ Raymond R. Mandra  
Raymond R. Mandra  
Registration No. 34,382  
FITZPATRICK, CELLA, HARPER  
& SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing THIRD UPDATE TO PATENT OWNERS' MANDATORY NOTICE PURSUANT TO PURSUANT TO 37 C.F.R. § 42.8(a)(3) was served on November 13, 2015 by causing it to be sent by email to counsel for Petitioners at the following email addresses:

Steven J. Lee (slee@kenyon.com)

Michael K. Levy (mlevy@kenyon.com)

Chris Coulson (ccoulson@kenyon.com)

Joseph M. Reisman (BoxMylan2@knobbe.com)

Jay R. Deshmukh (BoxMylan2@knobbe.com)

William R. Zimmerman (BoxMylan@knobbe.com)

Dated: November 13, 2015

/s/ Raymond R. Mandra  
Raymond R. Mandra  
Registration No. 34,382  
FITZPATRICK, CELLA, HARPER  
& SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Tel. 212-218-2100