

Filed on behalf of: Merck & Cie
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE PATENT TRIAL AND APPEAL BOARD

GNOSIS S.p.A., GNOSIS BIORESEARCH S.A. and
GNOSIS U.S.A., INC.
Petitioner

v.

Patent of MERCK & CIE,
Patent Owner

Case IPR2013-00117,
Patent 6,011,040

PATENT OWNER'S MANDATORY NOTICES PURUSANT TO 37 C.F.R. 42.8(a)(2)

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Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
5 Alexandria, VA 22313-1450

RE: Case No. IPR2013-00117
Patent No. 6,011,040

10 **I. Notice of Real Party-in-Interest Pursuant to 37 C.F.R. § 42.8(b)(1)**

The real parties-in-interest for Patent Owner are Merck & Cie, IM Laternenacker 5, Schaffhausen, Switzerland 8200, and Merck KGaA, Frankfurter Strasse 250, 64293 Darmstadt Germany. Merck & Cie is a wholly owned subsidiary of Merck KGaA.

15 **II. Notice of Related Matters Pursuant to 37 C.F.R. § 42.8(b)(2)**

The '040 patent is involved in two litigations:

(1) Merck& Cie, South Alabama Medical Science Foundation and PamLab LLC v. Macoven Pharmaceuticals, Gnosis S.p.A., Gnosis U.S.A., and Gnosis Bioresearch S.A., Case No. 6:12-00027-LED (E.D. Texas); and

20 (2) Matter of Reduced Folate Nutraceutical Products and L-Methylfolate Raw Ingredients Used Therein, Inv. No. 337-TA-857 (International Trade Commission).

In addition, the '040 patent is the subject of *ex parte* Reexamination No. 90/011,935 (pending).

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Further, the following *Inter Partes* Reviews are related to the present *Inter Partes* Review:

(1) *Inter Partes* Review of US 5,997,915;

(2) *Inter Partes* Review of US 6,673,381; and

(3) *Inter Partes* Review of US 7,172,778.

These three patents, US 5,997,915, US 6,673,381, and US 7,172,778, are also at issue in the

5 above-mentioned International Trade Commission proceeding.

US 5,997,915 is the subject of two *ex parte* re-exams, i.e., *ex parte* Reexamination No. 90/009,680 (completed) and *ex parte* Reexamination No. 90/011,934 (pending).

III. Notice of Lead and Backup Counsel Pursuant to 37 C.F.R. § 42.8(b)(3)

10 Patent Owner's Lead Counsel:

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IV. Notice of Service Information Pursuant to 37 C.F.R. § 42.8(b)(4)

Service of all documents may be made to the lead counsel and backup counsel at the postal addresses above, with courtesy copies to the email addresses listed above.

Respectfully submitted,

/Anthony J. Zelano/

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Date: February 13, 2013

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a true copy of the foregoing “PATENT OWNER’S MANDATORY NOTICES PURUSANT TO 37 C.F.R. 42.8(a)(2)” was served this 13th day of February 2013, by Express Mail upon the following:

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Respectfully submitted,

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