

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: OZEMPIC (SEMAGLUTIDE)	)	
PATENT LITIGATION	)	
NOVO NORDISK INC. and NOVO	)	MDL No. 22-MD-3038 (CFC)
NORDISK A/S,	)	
	)	ANDA CASE
Plaintiffs,	)	
	)	
v.	)	
	)	
RIO BIOPHARMACEUTICALS INC.,	)	
et al.,	)	
	)	
Defendants.	)	
NOVO NORDISK INC. and NOVO	)	
NORDISK A/S,	)	
	)	
Plaintiffs,	)	C.A. No. 22-294-CFC
	)	CONSOLIDATED
v.	)	ANDA CASE
	)	
MYLAN PHARMACEUTICALS INC.,	)	
	)	
Defendant.	)	

**SUN PHARMACEUTICAL INDUSTRIES LTD.'S AND SUN
PHARMACEUTICAL INDUSTRIES INC.'S STIPULATION OF
INVALIDITY CONTENTIONS**

Defendants Sun Pharmaceutical Industries Ltd. and Sun Pharmaceutical Industries, Inc. (collectively, “Sun”) submit this stipulation of invalidity contentions.

On November 2, 2023, Sun filed petition number IPR2024-00107 with the Patent Trial and Appeal Board requesting *inter parties* review of U.S. Patent No. 10,335,462 (the “’462 Patent”) (the “Petition”) and joinder to IPR2023-00724 (“the Mylan IPR”). The Petition asserted the same grounds of invalidity as the Mylan IPR:

Ground	Claims	Basis for Unpatentability
1	1–3	Anticipated by WO421
2	1–3	Anticipated by Lovshin
3	1–10	Obvious over WO421 considering the ’424 publication
4	1–10	Obvious over WO537 considering Lovshin
5	1–10	Obvious over NCT657 and NCT773 considering the ’424 publication

Sun hereby stipulates that if the Patent Trial and Appeal Board (PTAB) institutes IPR2024-00107, then Sun will agree to be bound by the estoppel provisions set forth in 35 U.S.C. § 315(e)(2) in this civil action as of the date of institution of the Petition. For the avoidance of doubt, Sun also stipulates that it is bound by the estoppel provisions set forth in 35 U.S.C. § 315(e)(2) in this civil action as of the date of the Institution Decision as such provisions would apply to Petitioner Mylan Pharmaceutical, Inc. in the Mylan IPR. This stipulation is not intended, and should not be construed, to limit Sun’s ability to assert invalidity of the ’462 Patent in this civil action on any other ground beyond the scope of the estoppel provisions set forth in 35 U.S.C. § 315(e)(2). This stipulation shall not apply if the PTAB does not institute IPR2024-00107.

/s/ Sara M. Metzler

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