

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AZURITY PHARMACEUTICALS, INC.
Petitioner,

v.

EXELIXIS, INC.
Patent Owner.

Case IPR2025-00210
U.S. Patent No. 11,298,349

**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 2).

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

The Real Party-in-Interest for the Patent Owner is Exelixis, Inc.

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

U.S. Patent No. 11,298,349 (“the ’349 patent”) is a patent-in-suit in the litigations *Exelixis, Inc. v. MSN Laboratories Private Ltd. et al.*, C.A. No. 1:22-cv-00228 (D. Del.), which has been appealed to the U.S. Court of Appeals for the Federal Circuit, Appeal No. 2025-1236, 2025-1241 (Fed. Cir.), and *Exelixis, Inc. v. Sun Pharmaceutical Industries Ltd. et al.*, C.A. No. 1:24-cv-01208 (D. Del.). The ’349 patent was a patent-in-suit in now-dismissed litigations *Exelixis, Inc. v. Teva Pharmaceutical Industries Limited., et al.*, C.A. No. 22-1168 (D. Del.) and *Exelixis, Inc. v. Cipla Ltd. et al.*, C.A. No. 1:23-cv-00287 (D. Del.).

The following patent applications are related to the ’349 patent.

U.S. application Ser. No. 17/170,275, which issued as the ’349 patent, is a continuation of U.S. application Ser. No. 17/152,394, which is a continuation of U.S. application Ser. No. 16/706,323, which is a divisional of U.S. application Ser. No. 16/151,653, now U.S. Pat. No. 10,543,206, which is a division of U.S. application Ser. No. 15/348,716, now U.S. Pat. No. 10,123,999, which is a

divisional of U.S. application Ser. No. 13/984,559, now U.S. Pat. No. 9,717,720, which claims priority under 35 U.S.C. § 371 to Patent Cooperation Treaty Application No. PCT/US2012/024591, which claims the benefit of U.S. Provisional Application No. 61/441,520 and U.S. Provisional Application No. 61/441,527. U.S. application Ser. No. 18/436,836, now U.S. Pat. No. 12,128,039, U.S. application Ser. No. 18/899,774, which is pending, and U.S. application Ser. Nos. 17/679, 634, 18/462,739, 17/957,505, and 17/497,201, which are abandoned, are continuations of the '349 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	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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Post and hand delivery correspondence and service may be sent to:

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Respectfully submitted,

Date: December 6, 2024

By: /Emily R. Whelan/
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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2024, I caused a true and correct copy of the following documents:

- Patent Owner's Mandatory Notices Under 37 C.F.R. § 42.8
- Exelixis, Inc.'s Power of Attorney Under 37 C.F.R. §42.10 to

be served via e-mail, as consented to by Petitioners, upon the following:

AzurityIPRs@windelsmarx.com

Respectfully submitted,

Date: December 6, 2024

By: /Emily R. Whelan/
Emily R. Whelan (Reg. No. 50,391)