

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NIVAGEN, INC.,

Plaintiff

v.

SUN PHARMACEUTICALS INDUSTRIES,
INC.,

Defendant.

Case No.: 2:24-cv-36-RWS-RSP

JURY TRIAL DEMANDED

**DEFENDANT SUN PHARMACEUTICAL INDUSTRIES, INC.’S SIXTH SET OF
REQUESTS FOR ADMISSION TO PLAINTIFF NIVAGEN, INC. (NOS. 34-40)**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Defendant Sun Pharmaceutical Industries, Inc. (“Sun” or “Defendant”), by and through its undersigned attorneys, directs the following Requests for Admission to Plaintiff Nivagen, Inc. (“Nivagen” or “Plaintiff”) and requests that Nivagen serve written responses to these requests within thirty (30) days of service thereof. These requests are continuing and impose upon you the obligations stated in Federal Rule of Civil Procedure 26.

DEFINITIONS AND INSTRUCTIONS

Sun hereby incorporates by reference the Definitions and Instructions found in Sun’s First Set of Requests for Admission to Plaintiff, as if fully set forth herein.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 34:

Admit that NOBELBAR[®] (250 mg for Injection) (identified in Sun’s Amended Invalidity Contentions served on May 8, 2025) is prior art to the ’076 patent.

REQUEST FOR ADMISSION NO. 35:

Admit that *Pharmaceutical Interview Form of Nobelbar® 250 mg for intravenous infusion*, NOBELPHARMA CO., LTD. (revised July 2010) (identified in Sun's Amended Invalidity Contentions served on May 8, 2025; also Exhibit 1008 in IPR2025-00893) is prior art to the '076 patent.

REQUEST FOR ADMISSION NO. 36:

Admit that U.S. Patent Application Publication No. US 2017/0143719 (identified in Sun's Amended Invalidity Contentions served on May 8, 2025; also Exhibit 1012 in IPR2025-00893 and SUNSZBY0039813-SUNSZBY0039821) is prior art to the '076 patent.

REQUEST FOR ADMISSION NO. 37:

Admit that *2018 Injectable Product Catalog*, HIKMA (2018) (identified in Sun's Amended Invalidity Contentions served on May 8, 2025; also SUNSZBY0036636-SUNSZBY0036709) is prior art to the '076 patent.

REQUEST FOR ADMISSION NO. 38:

Admit that *Label: PHENOBARBITAL SODIUM - phenobarbital sodium injection*, DAILYMED (updated August 2011) (identified in Sun's Amended Invalidity Contentions served on May 8, 2025; also Exhibit 1013 in IPR2025-00893) is prior art to the '076 patent.

REQUEST FOR ADMISSION NO. 39:

Admit that Gardenal (identified in Sun's Amended Invalidity Contentions served on May 8, 2025) is prior art to the '076 patent.

REQUEST FOR ADMISSION NO. 40:

Admit that U.S. Patent No. 11,857,683 (identified in Sun's Amended Invalidity Contentions served on May 8, 2025; also SUNSZBY0039822-SUNSZBY0039850) is prior art to the '076 patent.

Date: July 9, 2025

/s/ Justin T. Oakland
Eric H. Findlay (#00789886)
FINDLAY CRAFT, P.C.
7270 Crosswater Avenue, Suite B
Tyler, TX 75703
Phone: (903) 534-1100
Email: efindlay@findlaycraft.com

J. Derek Vandenburg
Samuel T. Lockner
Seung Sub Kim
Justin T. Oakland
CARLSON, CASPERS, VANDENBURGH &
LINDQUIST, P.A.
225 South Sixth Street, Suite 4200
Minneapolis, MN 55402
Phone: (612) 436-9600
dvandenburg@carlsoncaspers.com
slockner@carlsoncaspers.com
ekim@carlsoncaspers.com
joakland@carlsoncaspers.com

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2025, a true and correct copy of the foregoing document was served upon Nivagen *via* electronic mail.

/s/ Justin T. Oakland
Justin T. Oakland