

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cyanotech Corporation
Petitioner

v.

The Board of Trustees of the University of Illinois
Patent Owner

Case: IPR2013-00401
Patent: 5,527,533
Filed: June 28, 2013
Administrative Patent Judge Scott E. Kamholz

RELATED JUDICIAL OR ADMINSTRATIVE MATTERS

Patent Owner, The Board of Trustees of the University of Illinois (“Patent Owner”) identifies the judicial or administrative matters that would affect, or be affected by, a decision in this proceeding as follows:

An inter partes review of the '533 patent cannot be instituted because Petitioner Cyanotech Corporation (“Petitioner”) filed a civil action challenging the validity of the '533 patent before the date on which the petition for inter partes review was filed. 35 U.S.C. § 315(a)(1). Specifically, on June 20, 2012 Petitioner filed a civil action challenging the validity of the '533 patent in the United States District Court for the District of Hawaii. Cyanotech Corporation v. U.S. Nutraceuticals, LLC d/b/a Valensa International and The University of Illinois, Civil Action No. 1:12-cv-00352-JMSRLP. Patent Owner will more fully address this issue in its Preliminary Response.

Valensa and Patent Owner also filed a lawsuit on June 29, 2012, in the United States District Court for the Middle District of Florida entitled U.S. Nutraceuticals LLC d/b/a Valensa International; and The Board of Trustees of the University of Illinois vs. Cyanotech Corporation, and Nutrex Hawaii, Inc., Civil Action No. 5:12-cv-366-oc-10PRL, alleging infringement of the '533 patent by Petitioner and its subsidiary, Nutrex Hawaii, Inc.