

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: IPR2013-00404

Patent: 5,527,533

Filed: June 29, 2013

Administrative Patent Judge Scott E. Kamholz

MANDATORY NOTICES OF PATENT OWNER
THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

Dear Sir/Madam:

Pursuant to 37 C.F.R. §42.8(a)(2) and (b)(1)-(4), Patent Owner, The Board of Trustees of the University of Illinois, submits the following mandatory notice information.

(1) **Real Party-in-Interest**. The real parties-in-interest on the side of Patent Owner are Patent Owner, The Board of Trustees of the University of Illinois (“University of Illinois”), and U.S. Nutraceuticals LLC d/b/a Valensa International (“Valensa”), the exclusive licensee of the ‘533 patent.

(2) **Related Matters**. 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.

(3) Patent Owner's Counsel:

Lead Counsel: Mark D. Schuman (PTO No. 31,197)

Backup Counsel: Iain A. McIntyre (PTO No. 40,337)

Pursuant to 37 C.F.R. §42.10(b), a Power of Attorney is submitted with the Mandatory Notices of Patent Owner.

(4) Patent Owner's Service Information:

Lead Counsel:

- (i) Email address: mschuman@carlsoncaspers.com
- (ii) Postal mailing address:
Mark D. Schuman
CARLSON CASPERS
225 South Sixth Street, Suite 4200
Minneapolis, Minnesota 55402
- (iii) Hand-delivery address: same as above.
- (iv) Telephone Number: (612) 436-9650

Backup Counsel:

- (i) Email address: imcintyre@carlsoncaspers.com
- (ii) Postal mailing address:
Iain A. McIntyre
CARLSON CASPERS
225 South Sixth Street, Suite 4200
Minneapolis, Minnesota 55402
- (iii) Hand-delivery address: same as above.
- (iv) Telephone Number: (612) 436-9610
- (v) Facsimile Number: (612) 436-9605

Dated: July 24, 2013.

Respectfully submitted,

s/ Mark D. Schuman

Mark D. Schuman (PTO No. 31,197)

CARLSON CASPERS

225 South Sixth Street, Suite 4200

Minneapolis, MN 55402

mschuman@carlsoncaspers.com

Telephone: (612) 436-9600

Facsimile: (612) 436-9605

mschuman@carlsoncaspers.com

Counsel for Patent Owner The Board of Trustees
of the University of Illinois

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2013, I electronically filed the foregoing *Mandatory Notices of Patent Owner The Board of Trustees of the University of Illinois* with the Patent Review Processing System (PRPS) of the Patent Trial and Appeal Board which will send an email notification of electronic filing to the following:

Joseph A. Rhoa
NIXON & VANDERHYE, P.C.
jar@nixonvan.com

George E. Darby
PARADISE PATENT SERVICE, INC.
cyan@teleport-asia.com

s/ Mark D. Schuman
Mark D. Schuman
PTO No. 31,197