

Paper No. \_\_\_\_  
Filed: July 11, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BIODELIVERY SCIENCES INTERNATIONAL, INC.  
Petitioner

v.

RB PHARMACEUTICALS LIMITED  
Patent Owner.

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Case IPR2014-00998  
Patent 8,475,832

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**PATENT OWNER MANDATORY NOTICE INFORMATION  
UNDER 37 C.F.R. § 42.8(a)(2)**

## **I. REAL PARTY-IN-INTEREST**

The real parties-in-interest are RB Pharmaceuticals Limited (Patent Owner), the sole owner of U.S. Patent No. 8,475,832 ('832 patent), and Reckitt Benckiser Pharmaceuticals, Inc. (RBP), the exclusive licensee of the '832 patent in the U.S. Both companies are subsidiaries of the same parent company, Reckitt Benckiser Group plc. Patent Owner's address is 103-105 Bath Road, Slough, UK. RBP's address is 10710 Midlothian Turnpike, Suite 430, Richmond, Virginia.

Pursuant to a written agreement with RBP, MonoSol Rx, LLC (MonoSol) has exclusive manufacturing rights under the '832 patent and therefore is an implied, exclusive licensee thereunder. MonoSol is also the original assignee of the patent, and the named inventors were, and in some cases remain, MonoSol employees. To the extent these facts are sufficient to render MonoSol a real party-in-interest, Patent Owner also identifies MonoSol under 37 CFR § 42.8(b)(1). MonoSol's address is 30 Technology Drive, Warren, New Jersey.

## **II. RELATED MATTERS**

The Petition is substantially redundant of the petition filed by the same petitioner in IPR2014-00325, which was filed almost six months ago. The present Petition is directed to the same claims of the same patent as the earlier petition, involves the same parties, asserts the same or substantially the same contentions,

and is based on a subset of the references cited in the earlier petition. *See* Petition at 2-3.

The '832 patent was previously asserted against Petitioner in *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. BioDelivery Sciences International, Inc.*, E.D.N.C. Civil Action No. 5:13-cv-760-BO. That action was subsequently dismissed without prejudice as premature on procedural grounds. The '832 patent has also been asserted in *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. Par Pharmaceutical, Inc., and IntelGenx Technologies, Corp.*, D. Del. Civil Action No. 13-1461-RGA; *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. Watson Laboratories, Inc.*, D. Del. Civil Action No. 13-1674-RGA; *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. Alvogen Pine Brook, Inc.*, D. Del. Civil Action No. 13-2003-RGA; and *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. Par Pharmaceutical, Inc., and IntelGenx Technologies, Corp.*, D. Del. Civil Action No. 14-422-RGA. The 13-1674 (Watson) and 14-422 (Par) Actions remain pending. (The 13-1461 (Par) and 13-2003 (Alvogen) Actions were dismissed without prejudice in light of Par and Alvogen having prematurely

triggered the Hatch-Waxman ANDA litigation process in regard to those Actions.)

U.S. Application No. 13/964,975, which is a continuation of U.S.

Application No. 13/923,749 (now abandoned), which was a continuation of U.S.

Application No. 12/537,571 ('571 application, now the '832 patent), is pending.

U.S. Application No. 12/537,580, which was filed at the same time as, and shares a portion of the specification of, the '571 application is pending and may also potentially be affected by a decision in the proceeding herein.

### **III. LEAD AND BACKUP COUNSEL AND SERVICE INFORMATION**

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*Pro hac vice* admission to be sought

Counsel consent to electronic service at their email addresses.

**IV. PATENT OWNER PRELIMINARY RESPONSE**

Patent Owner reserves the right to file a preliminary response at a later date.

Dated: July 11, 2014

/James M. Bollinger/  
James M. Bollinger  
Reg. No. 32,555

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