

Claims 3, 5, 8, 10, 14, 16, 17, 19, 22, and 24 of the '163 patent are unpatentable under 35 U.S.C. § 103(a) as Obvious Over *Bernasconi* in View of *INOMAX label, Loh, Goyal, and Macrae*.

U.S. Pat. No. 8,431,163	<i>Bernasconi, INOMAX label, Loh, Goyal, and Macrae</i>
CLAIM 3	
<p>The method of claim 1, wherein the patient's left ventricular dysfunction is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 1.</p> <p><i>Macrae</i> teaches left ventricular dysfunction (“LVD”) can be attributable to congenital heart disease.</p> <p style="text-align: center;">Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>
CLAIM 5	
<p>The method of claim 4, wherein the patient's left ventricular dysfunction is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 4.</p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p> <p style="text-align: center;">Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>

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<p>CLAIM 8</p>	
<p>The method of claim 6, wherein the left ventricular dysfunction of the first patient is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 6.</p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p> <p>Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>
<p>CLAIM 10</p>	
<p>The method of claim 9, wherein the left ventricular dysfunction of the first patient is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 9.</p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p> <p>Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>
<p>CLAIM 14</p>	
<p>The method of claim 12, wherein the left ventricular dysfunction is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 12.</p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p>

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	<p>Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>
<p>CLAIM 16</p>	
<p>The method of claim 15, wherein the left ventricular dysfunction of the patient is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 15.</p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p> <p>Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>
<p>CLAIM 17</p>	
<p>The method of claim 13, wherein the left ventricular dysfunction of the patient is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 13.</p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p> <p>Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>
<p>CLAIM 19</p>	
<p>The method of claim 18, wherein the left ventricular dysfunction of the</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 18.</p>

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<p>patient is attributable to congenital heart disease.</p>	<p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p> <p>Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>
<p>CLAIM 22</p>	
<p>The method of claim 20, wherein the left ventricular dysfunction of the first patient is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 20.</p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p> <p>Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>
<p>CLAIM 24</p>	
<p>The method of claim 23, wherein the left ventricular dysfunction of the first patient is attributable to congenital heart disease.</p>	<p>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, INOMAX label, Loh, and Goyal as outlined in Ex. 1039 in Claim 23.</p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart disease.</p> <p>Inhaled NO exposure may even be harmful in some babies with congenital heart disease, such as those with obstructed total anomalous pulmonary venous drainage or severe left ventricular dysfunction with right-to-left ductal shunting</p> <p>Ex. 1008 at 374.</p>