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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PRAXAIR DISTRIBUTION, INC. and PRAXAIR, INC.  
Petitioner

v.

INO THERAPEUTICS, LLC and IKARIA, INC.  
Patent Owner

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Case IPR2015-00525  
Patent 8,431,163

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PETITIONER'S UPDATED MANDATORY NOTICES  
37 C.F.R. § 42.8

Pursuant to 37 C.F.R. § 42.8, Petitioner submits the following updated mandatory notices.

### **Related Matters**

Petitioner hereby provides the following indication of judicial or administrative matters that would affect, or be affected by, a decision in this proceeding:

On February 19, 2015, Patent Owner filed a complaint averring that Petitioner's Abbreviated New Drug Application ("ANDA") infringes U.S. Patent No. 8,431,163 under 35 U.S.C. § 271(e)(2). That lawsuit is pending in the United States District Court for the District of Delaware and is captioned: *INO Therapeutics LLC et al. v. Praxair Distribution, Inc. et al.*, Civil Action No. 1:15-cv-00170 (GMS).

As noted in the Petition, Petitioner requested *inter partes* review of U.S. Patent No. 8,431,163 and four (4) other patents on the same day. The *inter partes* review proceedings for these other related patents have been given filing dates, and have been given the following proceeding numbers:

- IPR2015-00522 (U.S. Patent No. 8,282,966)
- IPR2015-00524 (U.S. Patent No. 8,293,284)
- IPR2015-00526 (U.S. Patent No. 8,795,741)
- IPR2015-00529 (U.S. Patent No. 5,846,112)

Case IPR2015-00525  
Patent 8,431,163

Further, four (4) pending U.S. patent applications claim priority to the ultimate parent application of U.S. Patent No. 8,431,163:

- 13/683,444 filed on November 21, 2012
- 14/451,057 filed on August 4, 2014
- 14/454,373 filed on August 7, 2014
- 14/482,704 filed on September 10, 2014

No other information provided as part of Petitioner's Mandatory Notices in the Petition in this proceeding has changed.

Respectfully submitted by

K&L Gates LLP,

Date: February 25, 2015

By:           /Sanjay K. Murthy/            
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**Certification of Service**

A copy of this Petitioner's Updated Mandatory Notices under 37 C.F.R. §42.8 has been served on counsel for Patent Owner on February 25, 2015 at the following email addresses:

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Date: February 25, 2015

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