

Claims 3, 5, 15, 16, 36, and 41 of the '741 patent are unpatentable under 35 U.S.C. § 103(a) as obvious over *Bernasconi* in view of *Loh, Goyal, and Macrae*.

U.S. Pat. No. 8,795,741	<i>Bernasconi, Loh, Goyal, and Macrae</i>
<b>CLAIM 3</b>	
<p>The method of claim 1, wherein the left ventricular dysfunction of the second patient is attributable to congenital heart disease.</p>	<p><b>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, Loh, and Goyal as outlined in Ex. 1042 in Claim 1.</b></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>
<b>CLAIM 5</b>	
<p>The method of claim 4, wherein the left ventricular dysfunction of the second patient is attributable to congenital heart disease.</p>	<p><b>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, Loh, and Goyal as outlined in Ex. 1042 in Claim 4.</b></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>
<b>CLAIM 15</b>	
<p>The method of claim 9, wherein the left ventricular dysfunction of the second patient is</p>	<p><b>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, Loh, and Goyal as outlined in Ex. 1042 in Claim 9.</b></p> <p><i>Macrae</i> teaches LVD can be attributable to congenital heart</p>

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attributable to congenital heart disease.	<p>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>
CLAIM 16	
The method of claim 14, wherein the left ventricular dysfunction of the second patient is attributable to congenital heart disease.	<p><b>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, Loh, and Goyal as outlined in Ex. 1042 in Claim 14.</b></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>
CLAIM 36	
The method of claim 34, wherein the left ventricular dysfunction of the second patient is attributable to congenital heart disease.	<p><b>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, Loh, and Goyal as outlined in Ex. 1042 in Claim 34.</b></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>
CLAIM 41	

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<p>The method of claim 37, wherein the left ventricular dysfunction of the second patient is attributable to congenital heart disease.</p>	<p><b>All the elements of the independent claim from which this claim depends are disclosed in Bernasconi, Loh, and Goyal as outlined in Ex. 1042 in Claim 1.</b></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>