

Paper No. _____
Date Filed: April 6, 2015

Filed on behalf of: INO Therapeutics LLC

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Praxair Distribution, Inc.
Petitioner,
v.
INO Therapeutics LLC
Patent Owner.

Case IPR2015-00884
U.S. Patent No. 8,291,904

**PATENT OWNER INO THERAPEUTIC LLC'S MANDATORY NOTICES
UNDER 37 C.F.R. § 42.8(a)(2)**

Pursuant to 37 C.F.R. § 42.8, INO Therapeutics LLC (“Patent Owner”) owns U.S. Patent No. 8,291,904 by virtue of an assignment recorded at Reel/Frame No. 028383 / 0403; and submits the following Mandatory Notices.

Real Party-In-Interest Under 37 C.F.R. § 42.8 (b)(1):

Pursuant to the requirements of 37 C.F.R. § 42.8(b)(1), the real party-in-interest is INO Therapeutics LLC. Ikaria, Inc., an affiliate of INO Therapeutics LLC, is also a real party-in-interest.

Related Matters Under 37 C.F.R. § 42.8 (b)(2):

Pursuant to the requirements of 37 C.F.R. § 42.8(b)(2), INO Therapeutics LLC is aware of the following judicial or administrative matters that would affect, or be affected by, a decision in the instant proceeding:

On February 19, 2015, Patent Owner filed a complaint averring that Petitioner’s Abbreviated New Drug Application (“ANDA”) infringes U.S. Patent No. 8,291,904 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).

Contrary to Petitioner’s allegation, there are no pending continuing patent applications that claim the benefit of U.S. Patent No. 8,291,904.

Designation of Lead and Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3):

Pursuant to the requirements of 37 C.F.R. § 42.8(b)(3), INO Therapeutics LLC designates Dominick A. Conde (Reg. No. 33,856) as lead counsel, and Edmund J. Haughey (Reg. No. 44,749) as back-up counsel. William E. Solander is designated as back-up counsel requiring *pro hac vice* admission to appear, because he is an experienced litigator and has an established familiarity with the subject matter at issue in this proceeding.

A power of attorney from INO Therapeutics LLC is being submitted along with this Notice.

Service Information (37 C.F.R. § 42.8(b)(4)):

Pursuant to the requirements of 37 C.F.R. § 42.8(b)(4), INO Therapeutics LLC may be served by postal mailing, hand-delivery, telephone or facsimile as follows:

Dominick A. Conde
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INO Therapeutics LLC may be served electronically using the following e-mail addresses:

dconde@fchs.com (lead counsel)
ehaughey@fchs.com (back-up counsel)
wsolander@fchs.com (back-up counsel)

Any questions concerning this paper may be directed to lead counsel listed below.

April 6, 2015

Respectfully submitted,

/Dominick A. Conde/

Dominick A. Conde (Reg. No. 33,856)
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CERTIFICATE OF SERVICE

I certify that a copy of the Patent Owner INO Therapeutics LLC's Mandatory Notices Under 37 C.F.R. § 42.8(a)(2) was served on April 6, 2015 by causing it to be sent by email to counsel for Petitioner at the following email addresses:

sanjay.murthy@klgates.com

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April 6, 2015

Respectfully submitted,

/Dominick A. Conde/

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