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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..  
Petitioner

v.

INO THERAPEUTICS, LLC  
Patent Owner

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Case IPR2015-00889  
Patent 8,573,209

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PETITIONER'S RESPONSE TO ORDER ON FORM OF EVIDENCE  
37 C.F.R. § 42.63

On August 27, 2015, the Board issued an Order on the Form of Evidence pursuant to 37 C.F.R. § 42.63. (Paper 11). The Board ordered that “Petitioner must file, in each of the proceedings, an affidavit (or declaration) in compliance with 37 C.F.R. § 42.63(b) in order to have Exhibit 1006 considered in support of its Petitions.” (Paper 11 at 2). The Board provided Petitioner with 10 business days to make such a responsive filing. (Paper 11 at 2).

Pursuant to the August 27, 2015 Order on the Form of Evidence (Paper 11), Petitioner submits Ex. 1020, which is a declaration of the translator who prepared the English language translation in Ex. 1006 under 28 U.S.C. § 1746 (as authorized by 37 C.F.R. §§ 42.63(b) and 42.2) attesting to the accuracy of the translation provided in Ex. 1006. Petitioner also submits herewith an updated exhibit list reflective of this declaration.

Accordingly, Petitioner respectfully requests that the Board consider the content of Ex. 1006 (as informed by the declaration submitted as Ex. 1020) in support of its Petition.

Respectfully submitted by

K&L Gates LLP,

Date: September 8, 2015

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

A copy of this Petitioner's Response to Order on Form of Evidence has been served on counsel for Patent Owner on September 8, 2015 at the following email addresses:

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Date: September 8, 2015

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