

Paper No. \_\_\_\_  
Date Filed: December 3, 2015

Filed on behalf of: POZEN INC. and  
PERNIX THERAPEUTICS HOLDINGS INC.

By: Dominick A. Conde  
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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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GRAYBAR PHARMACEUTICALS, LLC

Petitioner,

v.

POZEN INC.,

Patent Owner

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Case IPR2016-00191  
U.S. Patent No. 7,332,183

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**MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(2)**

**1. Real Party-in-Interest Pursuant to 37 C.F.R. § 42.8(b)(1)**

Pursuant to the requirements of 37 C.F.R. § 42.8(a)(2), the undersigned states that the real parties-in-interest are Pozen Inc. (“Pozen”) and Pernix Therapeutics Holdings Inc. (“Pernix”).

Pozen is the patent owner and licensor of U.S. Patent No. 7,332,183 (“the ’183 Patent”). Subject to the exclusive license described below, Pozen is the owner of all right, title, and interest in the ’183 Patent by virtue of an assignment of rights (“Assignment”) from the inventors: John R. Plachetka, Venkata Markandeya Kothapalli, and Donna L. Gilbert. This Assignment was recorded with the U.S. Patent and Trademark Office on May 21, 2004, at Reel No. 14657, Frame No. 347, in connection with U.S. Patent Appl. No. 10/741,592 (“the ’592 Application”). The ’183 Patent issued from the ’592 Application.

Pernix is the exclusive licensee of the ’183 Patent, with the rights to enforce and defend the ’183 Patent in this IPR proceeding. Pernix obtained those rights through an exclusive license agreement between patent owner Pozen and Pernix relating to the ’183 Patent, which granted Pernix an exclusive license in the Field of Use for the duration of the ’183 Patent’s term, and the right to sublicense, enforce, and defend the ’183 Patent.

**2. Related Matters Pursuant to 37 C.F.R. § 42.8(b)(2)**

Upon information and belief, there are currently no judicial or administrative matters that would affect, or be affected by, a decision in this proceeding.

**3. Identification of Lead and Back-Up Counsel Pursuant to 37 C.F.R. §§ 42.8(b)(3) and 42.10**

Pursuant to 37 C.F.R. §§ 42.8(b)(3) and 42.10:

Pernix designates Dominick A. Conde (Reg. No. 33,856) as lead counsel and Brendan M. O'Malley (Reg. No. 64,905) as back-up counsel.

Pozen designates Stephen M. Hash (Reg. No. 45,490) as lead counsel and Jeffrey S. Gritton (Reg. No. 65,314) as back-up counsel.

Powers of attorney from Pernix and Pozen are being submitted with this Notice.

**4. Service Information Pursuant to 37 C.F.R. § 42.8(b)(4)**

Pernix and Pozen may be served electronically using the following email addresses:

PozenIPR@fchs.com (Pernix)

PozenIPR@bakerbotts.com (Pozen)

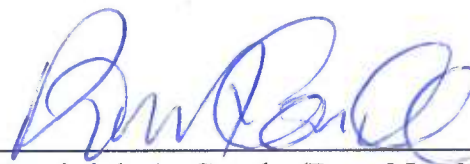
Pernix may be served by postal mailing, hand-delivery, telephone or facsimile as follows:

Dominick A. Conde, Esq.  
FITZPATRICK CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
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Pozen may be served by postal mailing, hand-delivery, telephone or facsimile as follows:

Stephen M. Hash, Ph.D.  
BAKER BOTTS LLP  
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Austin, TX 78701-4078  
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Respectfully submitted,



Dated: December 3, 2015

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that Pozen Inc.'s Mandatory Notices under 37 C.F.R. § 42.8(a)(2) in connection with IPR2016-00191 were served on this 3rd day of December 2015 by Federal Express and electronic mail, addressed as follows:

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