

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ARGENTUM PHARMACEUTICALS LLC, MYLAN PHARMACEUTICALS  
INC., BRECKENRIDGE PHARMACEUTICAL, INC., AND ALEMBIC  
PHARMACEUTICALS, LTD.,  
Petitioners,

v.

RESEARCH CORPORATION TECHNOLOGIES, INC.,  
Patent Owner.

Case No. IPR2016-00204<sup>1</sup>  
Patent No. RE 38,551

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**PATENT OWNER'S NOTICE OF OFFICE ACTION  
IN CO-PENDING EX PARTE REEXAMINATION**

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<sup>1</sup> Case IPR2016-01101, Case IPR2016-01242, and Case IPR2016-01245 have been  
joined with this proceeding.

Further to the Board's Decision Denying Petitioner's Motion to Consolidate (Paper 42), Patent Owner files herewith an Office Action in *Ex Parte* Reexamination dated December 5, 2016 that issued in co-pending reexamination Control No. 90/013,709 (Ex. 2192). The office action makes the following claim rejections. Rejections (1) and (2) are the same as instituted Grounds 3A and 3B.

(1) Claims 1–9 of the '551 Patent are rejected under 35 U.S.C. § 103(a) over Kohn 1991 and Silverman;

(2) Claims 10–13 of the '551 Patent are rejected under 35 U.S.C. § 103(a) over Kohn 1991, Silverman, and U.S. Patent No. 5,378,729;

(3) Claims 1-9 are rejected on the ground of nonstatutory double patenting as unpatentable over claim 45 of U.S. Patent No. 5,654, 301 in view of Kohn 1991 and the '729 patent;

(4) Claim 10 is rejected on the ground of nonstatutory double patenting as unpatentable over claim 46 of U.S. Patent No. 5,654, 301 in view of Kohn 1991 and the '729 patent; and

(5) Claims 11-13 are rejected on the ground of nonstatutory double patenting as unpatentable over claim 47 of U.S. Patent No. 5,654, 301 in view of Kohn 1991 and the '729 patent.

Date: December 7, 2016

Respectfully submitted,

By 

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## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on this 7th day of December 2016, the foregoing **Patent Owner's Notice of Office Action in Co-Pending Ex Parte Reexamination** was served by electronic mail, by agreement of the parties, on the following counsel of record for Petitioners.

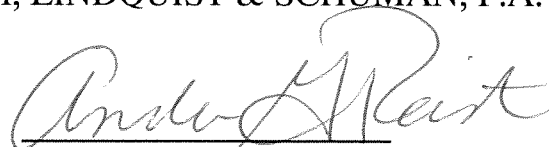
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