

Filed on behalf of: Mallinckrodt Hosp. Prods. IP Ltd.

Entered: June 30, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRAXAIR DISTRIBUTION, INC. AND NO_xBOX LIMITED,
Petitioner

v.

MALLINCKRODT HOSPITAL PRODUCTS IP LTD.,
Patent Owner

Case IPR2016-00777
U.S. Patent No. 8,282,966

Before STEVEN AMITRANI, *Trial Paralegal*.

PATENT OWNER'S EXHIBIT LIST

Pursuant to 37 C.F.R. § 42.63(e), Patent Owner Mallinckrodt Hospital Products IP Ltd. (“Patent Owner”) respectfully submits the following current exhibit list:

| EXHIBIT | DESCRIPTION |
|----------------|---|
| 2001 | Declaration of Geoffrey L. Rosenthal, M.D., Ph.D. in Support of Patent Owner’s Preliminary Response to Praxair’s Petition for <i>Inter Partes</i> Review of U.S. Patent No. 8,282,966 |
| 2002 | <i>Curriculum Vitae</i> of Geoffrey L. Rosenthal, M.D., Ph.D. |
| 2003 | Google Book Search: “neonatal” “nitric oxide” (“Google Book Search 1”) |
| 2004 | INOmax® Label (revised 10/2015) (“Current INOmax® Label”) |
| 2005 | File History for U.S. Patent No. 8,846,112 (“112 patent file history”) |
| 2006 | Duncan J. Macrae et al., <i>Inhaled nitric oxide therapy in neonates and children: reaching a European consensus</i> , 30 INTENSIVE CARE MED. 372 (2004) (“EU Consensus”) |
| 2007 | File History for U.S. Patent Application No. 12/820,886 (“866 app. file history”) |
| 2008 | Google Book Search: “neonatal respiratory” “nitric oxide” (“Google Book Search 2”) |
| 2009 | Google Book Search: “neonatal ventilation” “nitric oxide” (“Google Book Search 3”) |
| 2010 | Library of Congress Index for Anne Greenough et al., <i>Neonatal Respiratory Disorders</i> (2d ed. 2003) |
| 2011 | National Library of Medicine Index for Anne Greenough et al., <i>Neonatal Respiratory Disorders</i> (2d ed. 2003) |
| 2012 | Harvard University Library Index for Anne Greenough et al., <i>Neonatal Respiratory Disorders</i> (2d ed. 2003) |
| 2013 | OCLC WorldCat Index for Anne Greenough et al., <i>Neonatal Respiratory Disorders</i> (2d ed. 2003) |
| 2014 | File History for U.S. Patent Application No. 14/454,373 (“373 app. file history”) |
| 2015 | S&P Capital IQ, Praxair Distribution, Inc. Private Company Profile |

| EXHIBIT | DESCRIPTION |
|---------|---|
| 2016 | Petition for <i>Inter Partes</i> Review of U.S. Patent No. 8,282,966, <i>Praxair Distrib., Inc. v. INO Therapeutics, Inc.</i> , No. IPR2015-00522 (P.T.A.B. Jan. 5, 2015), Paper 1 |
| 2017 | Decision Denying Institution of <i>Inter Partes</i> Review, <i>Praxair Distrib., Inc. v. INO Therapeutics, Inc.</i> , Nos. IPR2015-00522, -00524, -00525, -00526 (P.T.A.B. July 29, 2015), Paper 12 |
| 2018 | Order on Requests for Oral Argument, <i>Praxair Distrib., Inc. v. INO Therapeutics, Inc.</i> , No. IPR2015-00529 (P.T.A.B. March 22, 2016), Paper 45 |
| 2019 | Patent Owner's Preliminary Response, <i>Praxair Distrib., Inc. v. INO Therapeutics, Inc.</i> , No. IPR2015-00522 (P.T.A.B. May 4, 2015), Paper 8 |
| 2020 | Hearing Before the Board, <i>Praxair Distrib., Inc. v. INO Therapeutics, Inc.</i> , No. IPR2015-00529 (P.T.A.B. Jan. 5, 2016) |
| 2021 | Defendants' Initial Invalidity Contentions, <i>INO Therapeutics LLC v. Praxair Distrib., Inc.</i> , No. 15-170-GMS (D. Del. Dec. 15, 2015) |
| 2022 | Definition of Contraindication, MedlinePlus |
| 2023 | Andrew M. Atz et al., <i>Diagnostic and Therapeutic Uses of Inhaled Nitric Oxide in Neonatal Ebstein's Anomaly</i> , 91 AM. J. CARDIOLOGY 906 (2003) ("Atz 2003") |
| 2024 | Jesse D. Roberts et al., <i>Inhaled Nitric Oxide in Congenital Heart Disease</i> , 87 CIRCULATION 447 (1993) ("Roberts 1993") |
| 2025 | Milad El-Segaier et al., <i>Nitric oxide in neonatal transposition of the great arteries</i> , 94 ACTA PÆDIATRICA 912 (2005) ("El-Segaier 2005") |
| 2026 | Aamir S. Shah et al., <i>Nitric Oxide Treatment for Pulmonary Hypertension After Neonatal Cardiac Operation</i> , 60 ANN. THORAC. SURG. 1791 (1995) ("Shah 1995") |
| 2027 | Marcus T.R. Roofthoof et al., <i>Persistent Pulmonary Hypertension of the Newborn with Transposition of the Great Arteries</i> , 83 ANN. THORAC. SURG. 1446 (2007) ("Roofthoof 2007") |
| 2028 | RESERVED |
| 2029 | Excerpt from Praveen Khilnani, <i>Pediatric and Neonatal Mechanical Ventilation</i> (2d ed. 2011) ("Jaypee 2014") |
| 2030 | Marthur S. Kannan, <i>Nitric Oxide: Biological Role and Clinical Uses</i> , 65 INDIAN J. PEDIATRICS 333 (1998) ("Kannan 1998") |

| EXHIBIT | DESCRIPTION |
|---------|---|
| 2031 | Excerpt from Praveen Khilnani, <i>Practical Approach to Pediatric Intensive Care</i> (2005) (“Khilnani Textbook”) |
| 2032 | Review of Praveen Khilnani, <i>Practical Approach to Pediatric Intensive Care</i> (2005), from www.archdischild.com (“Khilnani Book Review”) |
| 2033 | Declaration of Dr. Maurice Beghetti, <i>Praxair Distrib., Inc. v. INO Therapeutics, Inc.</i> , No. IPR2015-00522 (P.T.A.B. Jan. 5, 2015), Exhibit 1002 |
| 2034 | Praxair’s Opening Claim Construction Brief Regarding U.S. Patent No. 8,846,112, <i>Mallinckrodt Hosp. Prods. IP Ltd. v. Praxair Distrib., Inc.</i> , No. 15-170-GMS (D. Del. Mar. 17, 2016) |
| 2035 | Praxair’s Responsive Claim Construction Brief Regarding U.S. Patent No. 8,846,112, <i>Mallinckrodt Hosp. Prods. IP Ltd. v. Praxair Distrib., Inc.</i> , No. 15-170-GMS (D. Del. Apr. 14, 2016) |
| 2036 | Evan Loh et al., <i>Cardiovascular Effects of Inhaled Nitric Oxide in Patients with Left Ventricular Dysfunction</i> , 90 CIRCULATION 2780 (1994) (“Loh”) |
| 2037 | David N. Cornfield, <i>Randomized, Controlled Trial of Low-dose Inhaled Nitric Oxide in the Treatment of Term and Near-term Infants with Respiratory Failure and Pulmonary Hypertension</i> , 104 PEDIATRICS 1089 (1999) (“Cornfield 1999”) |
| 2038 | W. Butt, <i>Recent Advances in Paediatric Ventilation</i> , 1 Critical Care & Resuscitation 85 (1999) (“Butt 1999”) |
| 2039 | Neonatal Inhaled Nitric Oxide Study Group, <i>Inhaled Nitric Oxide in Full-Term and Nearly Full-Term Infants with Hypoxic Respiratory Failure</i> , 336 NEW ENG. J. MED. 597 (1997) (“Neonatal Group”) |
| 2040 | Reese H. Clark et al., <i>Low-Dose Nitric Oxide Therapy for Persistent Pulmonary Hypertension of the Newborn</i> , 342 NEW ENG. J. MED. 469 (2000) (“Clark 2000”) |
| 2041 | RESERVED |
| 2042 | Gordon Guyatt et al., <i>Users’ Guide to the Medical Literature: A Manual for Evidenced-Based Clinical Practice</i> (2d ed. 2008) (“Guyatt 2008”) |
| 2043 | Richard Beasley et al., <i>Withdrawal of Fenoterol and the End of the New Zealand Asthma Mortality Epidemic</i> , 107 INT. ARCH. ALLERGY IMMUNOL. 325 (1995) |

| EXHIBIT | DESCRIPTION |
|---------|--|
| 2044 | Harvard University Countway Library of Medicine, <i>[HMS] EBM - Evidence-based Medicine</i> , available at http://guides.library.harvard.edu/hms/ebm |
| 2045 | AARC <i>Clinical Practice Guideline</i> , reprinted from 39 RESPIRATORY CARE 808 (1994) |
| 2046 | David Katerndahl, <i>When Plagiarism Becomes Research</i> , 8 FAMILY PRACTICE 382 (1991) |
| 2047 | University of Illinois at Chicago Library Index for Anne Greenough et al., <i>Neonatal Respiratory Disorders</i> (2d ed. 2003) |
| 2048 | University of Chicago Library Index for Anne Greenough et al., <i>Neonatal Respiratory Disorders</i> (2d ed. 2003) |

Respectfully submitted,

Dated: June 30, 2016

By: /Robert Steinberg/

Robert Steinberg (Reg. No. 33,144)
bob.steinberg@lw.com
Latham & Watkins LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560
213.485.1234; 213.891.8763 (Fax)

Daniel G. Brown (Reg. No. 54,005)
daniel.brown@lw.com
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022-4834
212.906.1200; 212.751.4864 (Fax)

Counsel for Patent Owner

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.