

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INO THERAPEUTICS LLC and IKARIA, INC.,)
)
 Plaintiffs,)
)
 v.)
)
 PRAXAIR DISTRIBUTION, INC. and)
 PRAXAIR, INC.,)
)
 Defendants.)
)
)
)
)
)

Civ. No. 2015-cv-00170 (GMS)

WAIVER OF SERVICE OF SUMMONS

To: Dominick A. Conde, Esq.
Fitzpatrick, Cella, Harper & Scinto
1290 Avenue of the Americas
New York, NY 10140-3800
Attorneys for Plaintiffs
INO Therapeutics LLC and Ikaria, Inc.

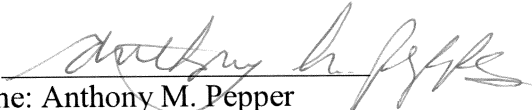
I, Anthony M. Pepper, am an officer of Praxair Distribution, Inc. (“PDI”) and am authorized to receive and waive service on behalf of PDI. I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of a waiver form, and a prepaid means for returning one signed copy of the form to you.

PDI agrees to save the expense of serving a summons and complaint in this case.

PDI understands that it will maintain and can assert all defenses or objections it may have to the lawsuit, the court’s jurisdiction, and the venue of the action, but that it will waive any objections it may have to the absence of a summons or of service.

PDI also understands that it must file and serve and answer or motion under Rule 12 within 60 days from March 17, 2015, the date when your request for waiver of service was sent. If it fails to do so, a default judgment will be entered against it.

Dated: March 20, 2015

By: 
Name: Anthony M. Pepper
Title: Assistant Corporate Secretary
Defendant Praxair Distribution, Inc.

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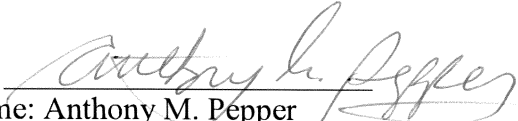
I, Anthony M. Pepper, am an officer of Praxair, Inc. (“Praxair”) and am authorized to receive and waive service on behalf of Praxair. I have received your request to waive service of a summons in this action, along with a copy of the complaint, two copies of a waiver form, and a prepaid means for returning one signed copy of the form to you.

Praxair agrees to save the expense of serving a summons and complaint in this case.

Praxair understands that it will maintain and can assert all defenses or objections it may have to the lawsuit, the court’s jurisdiction, and the venue of the action, but that it will waive any objections it may have to the absence of a summons or of service.

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