

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 IPR2016-00778
U.S. Patent No. 8,431,163

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. 8,431,163
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. 8,431,163, <i>Praxair Distrib., Inc. v. INO Therapeutics, Inc.</i> , No. IPR2015-00525 (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. IPR2015-00525 (P.T.A.B. May 6, 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. IPR2015-00525 (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 Clinical Practice Guideline, 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

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