

Filed on behalf of Oxbo International Corporation

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

H&S MANUFACTURING COMPANY, INC.

Petitioner

v.

OXBO INTERNATIONAL CORPORATION

Patent Owner

Case IPR2016-00950
Patent 8,166,739

UPDATED MANDATORY NOTICES UNDER 37 C.F.R. §42.8

Case IPR2016-00950
Patent No. 8,166,739

Pursuant to 37 C.F.R. § 42.8(a)(3), Patent Owner hereby provides this notification of a judgment in a related matter affecting the present proceeding:

In the concurrent litigation involving the patent-at-issue, *Oxbo Int'l Corp. v. H&S Mfg. Co.*, No. 15-cv-00292, (W.D. Wis.), the District Court conducted a full trial on the merits of the case, including on the issue of validity of the patent-at-issue over prior art cited by Petitioner in the present proceedings¹ and in view of the same secondary considerations evidence also of record in the present proceedings. On June 16, 2017, the jury returned a verdict that claim 1 of the '739 Patent at issue in these proceedings is valid and infringed.

¹ The prior art combination(s) considered during the district court litigation were different from the single instituted ground in this proceeding, but were among the non-instituted grounds. Specifically, US Honey (US Patent No. 5,031,394) (EX1017) and Wuebbels (U.S. Patent No. 6,775,969) (EX1019) were considered for the state of the art, while other references including Beougher (EX1010), Schnittjer (EX1011), Zhavoronkin (EX1012), CA Honey (EX1018), von Allworden (EX1020), and Dow '757 (EX1013) were specifically considered.

A copy of the verdict form from the related District Court action has been submitted as EX2021.

Respectfully submitted,

MERCHANT & GOULD, P.C.

Date: June 23, 2017

/Andrew J. Lagatta/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R § 42.6(e), the undersigned hereby certifies that a copy of this Updated Mandatory Notices Under 37 C.F.R. §42.8, EX2021, and an updated Exhibit List has been served on June 23, 2017, by email on counsel of record for the patent owner at the following name and address:

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Respectfully submitted,

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Date: June 23, 2017

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