

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIQUIDIA TECHNOLOGIES, INC.,

Petitioner,

v.

UNITED THERAPEUTICS CORPORATION,

Patent Owner.

Case IPR2021-00406

Patent 10,716,793

**PATENT OWNER'S IDENTIFICATION OF NON-RESPONSIVE
EVIDENCE AND ARGUMENTS**

Pursuant to the Board's email dated Feb. 15, 2022, Patent Owner identifies by page number and/or exhibit number each portion of Petitioner's Reply and the accompanying evidence that Patent Owner believes is not responsive to any argument raised in Patent Owner's Response as required by the Trial Practice Guide, p. 74.

Non-Compliant Exhibits (entire exhibit not compliant): EX 1089-1096, 1104-1105, and 1113-1129

Non-Compliant Portions of Petitioner Reply:

1. Citing EX 1089: P. 2, l. 2-3, P. 5, ll. 13-14, and P. 6, l. 1
2. Citing EX 1090: P. 5, ll. 13-14 and P. 6, l. 1
3. Citing EX 1091: P. 5, ll. 13-14 and P. 6, l. 1
4. Citing EX 1092: P. 3, ll. 11-15
5. Citing EX 1093: P. 9, ll. 1-2
6. Citing EX 1094: P. 9, ll. 1-2
7. Citing EX 1095: P. 6, ll. 10-11; P. 7, ll. 5-8; and P. 9, ll. 1-2
8. Citing EX 1096: P. 9, ll. 1-2
9. Citing EX 1104: P. 7, ll. 15-17
10. Citing EX 1105: P. 2, ll. 15-16
11. Citing EX 1113: P. 7, ll. 5-8

Non-Compliant Portions of EX 1106:

1. Citing EX 1089: FN4
2. Citing EX 1090: FN4

3. Citing EX 1091: FN4, ¶¶28, 29, 31, 32, 34, 36, 38, 40, 43, 44, 61, 64, 74, 75, 77, 79, 85, 104, 105, and 106
4. Citing EX 1092: ¶32
5. Citing EX 1093: FN4, ¶¶24, 27, 34, 36, 44, 69, 88, 104, 105
6. Citing EX 1094: FN4, ¶24
7. Citing EX 1095: FN4, ¶27
8. Citing EX 1096: FN4
9. Citing EX 1104: ¶26
10. Citing EX 1105: ¶28
11. Citing EX 1113: ¶27

Non-Compliant Portions of EX 1112:

1. Citing EX 1089: ¶¶65, 67, 79, 86, 88, 90, 92
2. Citing EX 1090: ¶¶65, 81, 86
3. Citing EX 1091: ¶¶65, 83, 85, 86, 90, 92
4. Citing EX 1092: ¶¶33, 67
5. Citing EX 1093: ¶¶33, 36, 49, 50, 58, 63
6. Citing EX 1094: ¶¶33, 36, 52, 58
7. Citing EX 1095: ¶¶33, 36, 54, 58, 61
8. Citing EX 1096: ¶¶33, 36, 56, 58
9. Citing EX 1104: ¶62
10. Citing EX 1113: ¶¶33, 36
11. Citing EX 1114: ¶39
12. Citing EX 1115: ¶39
13. Citing EX 1116: ¶50
14. Citing EX 1117: ¶60

15. Citing EX 1118: ¶62
16. Citing EX 1119: ¶85
17. Citing EX 1120: ¶87
18. Citing EX 1121: ¶89
19. Citing EX 1122: ¶89
20. Citing EX 1123: ¶51
21. Citing EX 1124: ¶53
22. Citing EX 1125: ¶55
23. Citing EX 1126: ¶¶57, 82
24. Citing EX 1127: ¶80
25. Citing EX 1128: ¶82
26. Citing EX 1129: ¶84

Respectfully submitted,

Date: February 22, 2022

/Stephen B. Maebius/

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Patent Owner's Identification of Non-
Responsive Evidence and Arguments

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Identification of Non-Responsive Evidence & Arguments was served on counsel of record on February 22, 2022, by filing this document through the PTAB E2E System as well as delivering a copy via email to the counsel of record for the Petitioner at the following address:

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Date: February 22, 2022

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