

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division**

	)	
	)	
GCE GAS CONTROL EQUIPMENT INC.,	)	
	)	
Plaintiff/Counter-Defendant,	)	C.A. No. 8:22-cv-02550-TDC
	)	
v.	)	DEMAND FOR JURY TRIAL
	)	
3B MEDICAL MANUFACTURING, LLC,	)	
	)	
Defendant/Counter-Plaintiff.	)	
	)	
	)	
	)	
	)	

**PLAINTIFF/COUNTER-DEFENDANT GCE GAS CONTROL EQUIPMENT INC.’S
STIPULATION OF INVALIDITY CONTENTIONS**

On or about February 10, 2023, Plaintiff/Counter-Defendant GCE Gas Control Equipment Inc. (“GCE”) will file petition number IPR2023-00527 with the Patent Trial and Appeal Board (“the Board”) requesting *inter parties* review (“IPR”) of all of the claims of U.S. Patent No. 10,357,628 (the “’628 patent”), asserting the following grounds of invalidity:

Grounds	Claims	Statutory Basis	Prior Art
1	1-4, 6-17, 19-23	§103	<i>Deane</i> (U.S. 2005/0072306) in view of <i>Dubois</i> (U.S. 6,520,176) and <i>Berntson</i> (WO 2005/009590)
2	2-3, 14-15, 22-23	§103	<i>Deane</i> in view of <i>Dubois</i> , <i>Berntson</i> , and <i>Occhialini</i> (U.S. 2005/0257686)
3	5, 18	§103	<i>Deane</i> in view of <i>Dubois</i> , <i>Berntson</i> , and <i>Basset</i> (U.S. 2005/0028868)
4	1-4, 7-17, 19, 21-23	§103	<i>Deane</i>
5	2-3, 14-15, 22-23	§103	<i>Deane</i> in view of <i>Occhialini</i>
6	5, 18	§103	<i>Deane</i> in view of <i>Basset</i>

GCE hereby stipulates that, if the Board institutes IPR2023-00527 for the ’628 patent, then, for any originally issued claim(s) of the ’628 patent for which IPR is instituted, GCE will not pursue in this case the specific grounds identified above in connection with such claim(s), or any other ground as to such claim(s) that could have been reasonably raised in the IPR.

This stipulation is not intended, and should not be construed, to limit GCE’s ability to assert invalidity of any of the claims of the ’628 patent in this case on any other ground that could not have reasonably been raised in the IPR (including but not limited to invalidity under §§ 101 and 112 and invalidity based on prior art that is not a patent or printed publication or not reasonably presently available to GCE), regardless of whether IPR is instituted.

Dated: February 10, 2023

Respectfully submitted,

By: /s/ Robert M. Masters
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CERTIFICATE OF SERVICE

I hereby certify that, on February 10, 2023, I caused the foregoing to be filed on this Court's CM/ECF record for service on all record counsel.

/s/ Robert M. Masters
Robert M. Masters