UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NATIONAL BEEF PACKING COMPANY, LLC,
Petitioner,

v.

INSTITUTE FOR ENVIRONMENTAL HEALTH, INC.,
Patent Owner.

Case IPR2024-00186
Patent 9,637,771

PETITIONER'S UPDATED EXHIBIT LIST

Pursuant to 37 C.F.R. § 42.63(e), Petitioner National Beef Packing Company, LLC hereby submits a current listing of Petitioner's exhibits. New Exhibit 1064 is being filed and served today.

Exhibit	Description
1001	U.S. Patent No. 7,534,584 B2 ("the '584 Patent") to Samadpour, titled "Modular Compositing-Multiple Lot Screening Protocols for Detection of Pathogens, Microbial Contaminants and/or Constituents" and U.S. Patent No. 7,534,584 C1 ("Reexamination Certificate")
1002	U.S. Patent No. 8,822,143 ("the '143 Patent") to Samadpour, titled "Modular Compositing-Multiple Lot Screening Protocols for Detection of Pathogens, Microbial Contaminants and/or Constituents"
1003	U.S. Patent No. 9,637,771 ("the '771 Patent") to Samadpour, titled "Modular Compositing-Multiple Lot Screening Protocols for Detection of Pathogens, Microbial Contaminants and/or Constituents"
1004	Complaint for Patent Infringement, *Inst. for Envtl. Health, Inc. v. Nat'l Beef Packing Co., LLC*, No. 1:23-cv-00826 (D. Del. Aug. 1, 2023)
1005	Prosecution History for U.S. Provisional Patent Appl. No. 60/599,473
1006	Prosecution History for U.S. Patent Appl. No. 11/199,871 (Pat. No. 7,534,584)
1007	Prosecution History for Reexamination Control No. 95/001,294 (Six Parts)

Exhibit	Description
1008	U.S. Patent No. 8,389,233 ("the '233 Patent") to Samadpour, titled "Modular Compositing-Multiple Lot Screening Protocols for Detection of Pathogens, Microbial Contaminants and/or Constituents"
1009	Prosecution History for U.S. Patent Appl. No. 12/360,796 (Pat. No. 8,389,233)
1010	Prosecution History for U.S. Patent Appl. No. 13/784,606 (Pat. No. 8,822,143)
1011	Prosecution History for U.S. Patent Appl. No. 14/472,144 (Pat. No. 9,637,771)
1012	"Microorganisms in Foods 7: Microbiological Testing in Food Safety Management," Int'l Comm'n on Microbiological Spec's for Foods (ICMSF), Kluwer Academic/Plenum Publishers, Chapters 6, 10, 12, 15–17 (2002) ("ICMSF 2002"), ("ICMSF-7"), or ("ICMSF")
1013	"Microorganisms in Foods 2: Sampling for Microbiological Analysis: Principles and Specific Applications," Int'l Comm'n on Microbiological Spec's for Foods, Univ. Toronto Press, Glossary (2nd ed. 1986) ("ICMSF 1986") or ("ICMSF-2")
1014	David Gombas et al., "Survey of *Listeria monocytogenes* in Ready-to-Eat Foods," J. Food Prot., vol. 66, no. 4, pages 559–569 (Apr. 2003) ("Gombas")
1015	Denise Hughes et al., "*Salmonella* in Foods—A New Enrichment Procedure for Use with the TECRA *Salmonella* Visual Immunoassay: Collaborative Study," J. AOAC Int'l, vol. 82, no. 3, pages 634–647 (May/June 1999) ("Hughes 1999") or ("Hughes")

Exhibit	Description
1016	Denise Hughes et al., "*Salmonella* in Foods: New Enrichment Procedure for TECRA Salmonella Visual Immunoassay Using a Single RV(R10) Only, TT Only, or Dual RV(R10) and TT Selective Enrichment Broths (AOAC Official Method 998.09): Collaborative Study," J. AOAC Int'l, vol. 86, no. 4, pages 775–790 (July/Aug. 2003) ("Hughes 2003")
1017	W.R. Price et al., "*Salmonella* Testing of Pooled Pre-Enrichment Broth Cultures for Screening Multiple Food Samples," Appl. Microbiol., vol. 23, no. 4, pages 679–682 (Apr. 1972) ("Price")
1018	Diana Stewart et al., "Comparison of Assurance Gold Salmonella EIA, BAX for Screening/Salmonella, and GENE-TRAK Salmonella DLP Rapid Assays for Detection of *Salmonella* in Alfalfa Sprouts and Sprout Irrigation Water," J. AOAC Int'l, vol. 85, no. 2, pages 395–403 (Mar./Apr. 2002) ("Stewart")
1019	Pina Fratamico et al., "Rapid isolation of *Escherichia coli* O157:H7 from enrichment cultures of foods using an immunomagnetic separation method," Food Microbiol., vol. 9, no. 2, pages 105–113 (June 1992) ("Fratamico")
1020	Eva D'Haese & Hans Nelis, "Rapid Detection of Single Cell Bacteria as a Novel Approach in Food Microbiology," J. AOAC Int'l, vol. 85, no. 4, pages 979–983 (July/Aug. 2002) ("D'Haese")
1021	Jean-Yves D'Aoust, "Update on Preenrichment and Selective Enrichment Conditions for Detection of *Salmonella* in Foods," J. Food Prot., vol. 44, no. 5, pages 369–374, 393 (May 1981) ("D'Aoust")
1022	U.S. Food & Drug Admin., "Bacteriological Analytical Manual," Table of Contents, Introduction, About the Bacteriological Analytical Manual, Chapters 1, 5, 10 (June 2003) ("BAM 2003")

Exhibit	Description
1023	U.S. Dept. of Agric. Food Safety and Inspection Service (FSIS), "Microbiological Testing Program and Other Verification Activities for *Escherichia coli* O157:H7 in Raw Ground Beef Products and Raw Ground Beef Components and Beef Patty Components," Directive 10.010.1, Rev. 1 (Mar. 31, 2004) ("FSIS Directive")
1024	Thaddeus Midura & Raymond Bryant, "Sampling Plans, Sample Collection, Shipment, and Preparation for Analysis," Chapter 2 in Compendium of Methods for the Microbiological Examination of Foods, American Public Health Association, pages 13–23 (4th ed. 2001) ("Midura")
1025	J.H. Silliker & D.A. Gabis, "ICMSF methods studies. I. Comparison of analytical schemes for detection of *Salmonella* in dried foods," Can. J. Microbiol., vol. 19, no. 4, pages 475–479 (1973) ("Silliker")
1026	D.A. Gabis & J.H. Silliker, "ICMSF methods studies. II. Comparison of analytical schemes for detection of *Salmonella* in high-moisture foods," Can. J. Microbiol., vol. 20, no. 5, pages 663–669 (1974) ("Gabis")
1027	Basil Jarvis, "Errors Associated with Dilution Count and Presence/Absence Methods," Chapter 8 in Statistical Aspects of the Microbiological Analysis of Foods, Elsevier Science Publishers, pages 117–146 (1989) ("Jarvis")
1028	U.S. Dept. of Agric. Food Safety and Inspection Service (FSIS), "Microbiology Laboratory Guidebook,", Table of Contents, Cover, Foreword, General Considerations, Chapters 4.02, 5.03, 8.03 (July 2003) ("MLG 2003") or ("MLG")
1029	U.S. Dept. of Agric. Food Safety and Inspection Service (FSIS), "Microbiology Laboratory Guidebook," Chapter 8 (3rd ed. 1998) ("MLG 1998")

Exhibit	Description
1030	Madhu Badoni et al., "Development and testing of a prototype automatic trim sampler," Food Control, vol. 77, pages 82–87 (July 2017) ("Badoni")
1031	Tommy Wheeler & Terrance Arthur, "Novel Continuous and Manual Sampling Methods for Beef Trim Microbiological Testing," J. Food Prot., vol. 81, no. 10, pages 1605–1613 (Oct. 2018) ("Wheeler")
1032	U.S. Food & Drug Admin., "Bacteriological Analytical Manual," Chapter 10, § 10.04 (Jan. 1969) ("BAM 1969")
1033	"37. Microbiological Methods," in Changes in Official Methods of Analysis Made at the Eightieth Annual Meeting, October 10–13, 1966, J. of the A.O.A.C., vol. 50, no. 1, pages 231–239 (Feb. 1967)
1034	Prosecution History for U.S. Patent Appl. No. 15/499,719 (Expressly Abandoned)
1035	Complaint for Declaratory Judgment of Patent Invalidity and Patent Non-Infringement, *Primus Grp., Inc. v. Inst. for Envtl. Health, Inc.*, No. 3-18-cv-00005 (N.D. Cal. Jan. 2, 2018)
1036	Patent Local Rule 4-3 Joint Claim Construction and Prehearing Statement, *Primus Grp., Inc. v. Inst. for Envtl. Health, Inc.*, No. 3-18-cv-00005 (N.D. Cal. July 31, 2018)
1037	Institute for Environmental Health, Inc.'s Opening Claim Construction Brief, *Primus Grp., Inc. v. Inst. for Envtl. Health, Inc.*, No. 3-18-cv-00005 (N.D. Cal. Sept. 14, 2018)
1038	Claim Construction Order, *Primus Grp., Inc. v. Inst. for Envtl. Health, Inc.*, No. 3-18-cv-00005 (N.D. Cal. Jan. 22, 2019)
1039	Federal Court Management Statistics, District of Delaware (Reporting Period End Date: Dec. 31, 2023), available at https://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2023/12/31-1, (last visited June 19, 2024)

Exhibit	Description
1040	Declaration of Kevin B. Laurence
1041	Expert Declaration of James S. Dickson, Ph.D.
1042	Curriculum Vitae of James S. Dickson, Ph.D.
1043	Expert Declaration of James L. Mullins, Ph.D. ("Mullins Decl.")
1044	Mullins Decl. Appendix A - Curriculum Vitae of James L. Mullins, Ph.D.
1045	Mullins Decl. Appendices A-1, A-2, A-3, and A-4
1046	Mullins Decl. Appendices B-1, B-2, and B-3
1047	Mullins Decl. Appendices C-1, C-2, C-3, and C-4
1048	Mullins Decl. Appendices D-1, D-2, D-3, and D-4
1049	Mullins Decl. Appendices E-1, E-2, E-3, and E-4
1050	Mullins Decl. Appendices F-1, F-2, F-3, and F-4
1051	Mullins Decl. Appendix G-1, G-2, G-3, and G-4
1052	Mullins Decl. Appendix H-1, H-2, H-3, and H-4
1053	Mullins Decl. Appendix I-1, I-2, I-3, and I-4
1054	Mullins Decl. Appendix J-1, J-2, J-3, J-4, and J-5
1055	Mullins Decl. Appendix K-1, K-2, K-3, K-4, and K-5
1056	Mullins Decl. Appendix L-1 and L-2
1057	Mullins Decl. Appendix M-1, M-2, M-3, and M-4
1058	Mullins Decl. Appendix N-1, N-2, N-3, N-4, and N-5
1059	Mullins Decl. Appendix O-1, O-2, and O-3
1060	Mullins Decl. Appendix P-1, P-2, and P-3

Exhibit	Description
1061	Mullins Decl. Appendix Q-1, Q-2, Q-3, and Q-4
1062	Proposed Scheduling Order, *Inst. for Envtl. Health, Inc. v. Nat'l Beef Packing Co., LLC*, No. 1:23-cv-00826 (D. Del. May 16, 2024)
1063	Assurance® GDS Salmonella Tq (2024)
1064	Email to IEH presenting *Sotera* stipulation on Nov. 18, 2024

2024 Nov. 26 /Kevin B. Laurence/

Kevin B. Laurence
Registration No. 38,219

CERTIFICATE OF SERVICE

I certify that on November 26, 2024, copies of the foregoing PETITIONER'S UPDATED EXHIBIT LIST and all documents filed with it were served via email to counsel for the Patent Owner, as agreed to by counsel, upon the following counsel for the Patent Owner:

Benjamin J. Byer:	BenByer@dwt.com
Gregory B. Rosenthal:	GregRosenthal@dwt.com
Samantha Hunt:	SamHunt@dwt.com

/Kevin B. Laurence/
Kevin B. Laurence
Registration No. 38,219