

Case IPR2024-01312
U.S. Patent No. 11,697,028

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIOFRONTERA INC., BIOFRONTERA BIOSCIENCE GMBH,
BIOFRONTERA PHARMA GMBH, AND BIOFRONTERA AG
Petitioner

v.

SUN PHARMACEUTICAL INDUSTRIES, INC.
Patent Owner

Case IPR2024-01312

U.S. Patent No. 11,697,028

PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION TO
PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE

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PATENT OWNER’S EXHIBIT LIST

EX #	DESCRIPTION
2001	Declaration of Dr. Jose Sasian
2002	<i>Curriculum Vitae</i> of Dr. Jose Sasian
2003	Complainant’s Initial Statement Regarding The Public Interest filed in ITC Investigation No. 337-TA-1411, dated June 25, 2024
2004	Australian Patent Application Publication No. AU 200143869 published September 6, 2001 to Eric Larsen entitled <i>Device and methods for the stimulation of body cells through electromagnetic radiation</i> (“Larsen Publication”)
2005	United States Trademark Serial No. 78214595 Statement of Use and correspondence for BEAUTYLIGHT (“BEAUTYLIGHT”)
2006	United States Patent No. 4,832,294 issued May 23, 1989 to John C. Eldem entitled <i>Portable I.V. Stand</i> (“the ’294 patent”)
2007	Inventor Tom Boyajian LinkedIn profile at https://www.linkedin.com/in/tom-boyajian-404286307/
2008	Inventor Mark Carota LinkedIn profile at https://www.linkedin.com/in/mark-c-366911a/
2009	Inventor Brian Mazejka LinkedIn profile at https://www.linkedin.com/in/brianmazejka/
2010	Lighting-Gallery.net – My lights/completely clear/uncoated Sylvania 28W T5 HE demonstration tube at https://www.lighting-gallery.net/gallery/displayimage.php?album=1601&pos=188&pid=211863
2011	Bourget, C. Michael, <i>An Introduction to Light-emitting Diodes</i> , HortScience, Vol. 43(7), pp. 1944-1946 (December 2008)
2012	United States Patent No. 6,979,101, issued December 27, 2005 to Christian Sauska et al., entitled <i>Fluorescent Lamp Providing Uniform Backlight Illumination for Displays</i> (“the ’101 patent”)
2013	Ndjiongue, Alain R. et al., <i>Visible Light Communications (VLC) Technology</i> , pp. 1-23 (June 2015)
2014	Technical Domestic Industry Claim Chart for U.S. Patent No. 11,697,028 (Ex. 10C Public Version) filed in ITC Investigation No. 337-TA-1411, dated July 9, 2024
2015	Declaration of Heather J Roberts, MD, FAAD
2016	<i>Curriculum Vitae</i> of Heather J Roberts, MD, FAAD
2017	https://www.levulanhcp.com/

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2018	https://www.levulanhcp.com/how-to-use
2019	https://www.levulanhcp.com/how-it-works
2020	https://www.levulanhcp.com/treatment-landscape
2021	https://www.levulanhcp.com/efficacy
2022	https://www.levulanhcp.com/assets/pdf/levulan-patient-brochure.pdf
2023	https://drheatherroberts.com/procedures-and-treatments/photodynamic-therapy-pdt-for-skin-cancer/
2024	https://www.mydrugrep.com/mobile-campaigns/Levulan V13a 01a/space requirements.html
2025	https://somalaser.com/dr-michael-ehrenreich-md-millburn-dermatologist/
2026	https://somalaser.com/blu-for-acne/
2027	https://somalaser.com/photodynamic-therapy/
2028	https://somalaser.com/photodynamic-therapy-for-actinic-keratoses-and-skin-cancer/
2029	https://somalaser.com/photodynamic-therapy-for-skin-conditions/
2030	https://somalaser.com/skin-conditions/actinic-keratosis/
2031	[RESERVED]
2032	[RESERVED]
2033	<i>In Re Certain Photodynamic Therapy Systems, Components Thereof, And Pharmaceutical Products Used In Combination With The Same</i> Investigation No. 337-TA-1411 (Order No. 18 – Construing Certain Claim Terms, dated March 4, 2025 (Public Version))
2034	<i>In Re Certain Photodynamic Therapy Systems, Components Thereof, And Pharmaceutical Products Used In Combination With The Same</i> Investigation No. 337-TA-1411 (Redacted Expert Report of Dr. Robert E. Grove, Ph.D. on behalf of Respondents, dated January 22, 2025)
2035	United States Patent No. 8,216,289 issued July 10, 2012 to Scott Lundahl, et al., entitled <i>Illuminator for Photodynamic Therapy</i> (“the ’289 patent”)
2036	<i>In Re Certain Photodynamic Therapy Systems, Components Thereof, And Pharmaceutical Products Used In Combination With The Same</i> Investigation No. 337-TA-1411 (Redacted Deposition Transcript of Dr. Robert E. Grove, taken February 26, 2025)
2037	BLU-U® Optical Specification
2038	<i>In Re Certain Photodynamic Therapy Systems, Components Thereof, And Pharmaceutical Products Used In Combination With The Same</i>

EX #	DESCRIPTION
	Investigation No. 337-TA-1411 (Sun Pharma's Redacted Final Validity Contentions dated December 18, 2024)
2039	Redacted Deposition Transcript of Mark Baldyga in ITC Inv. No. 337-TA-1411, taken December 19, 2024
2040	Ex. 6 to Baldyga Deposition Transcript in ITC Inv. No. 337-TA-1411 (Marketing Presentation Slides)
2041	Ex. 5 to Baldyga Deposition Transcript in ITC Inv. No. 337-TA-1411 (Ameluz Marketing Materials)
2042	Ex. 4 to Baldyga Deposition Transcript in ITC Inv. No. 337-TA-1411 (RhodoLED® XL Trifold)
2043	RhodoLED® XL User Manual, Version 1.7SW_G2
2044	"Biofrontera AG receives FDA-approval of the BF-RhodoLED® XL lamp," GlobalNewswire, https://www.globenewswire.com/news-release/2021/10/22/2319235/0/en/Biofrontera-AG-receives-FDA-approval-of-the-BF-RhodoLED-XL-lamp.html , dated October 22, 2021
2045	"Biofrontera Announces the Launch of a New, FDA-Approved Red Light Source, the RhodoLED® XL Lamp," BioSpace, https://www.biospace.com/biofrontera-announces-the-launch-of-a-new-fda-approved-red-light-source-the-rhodoled-xl-lamp , dated June 24, 2024
2046	"Biofrontera Inc. Announces 100 RhodoLED®XL Machines Now Placed in US Market," GlobalNewswire, https://www.globenewswire.com/news-release/2024/12/23/3001296/0/en/Biofrontera-Inc-Announces-100-RhodoLED-XL-Machines-Now-Placed-in-US-Market.html , dated December 23, 2024
2047	"Biofrontera Inc. Reports Record Fiscal Year 2024 Financial Results and Provides a Business Update," Biofrontera, Inc., dated March 21, 2025
2048	Declaration of Thomas Vander Veen
2049	Supplemental Declaration of Heather J Roberts, MD, FAAD
2050	Declaration of Dr. Nan Jokerst
2051	Curriculum Vitae of Dr. Nan Jokerst
2052	Excerpted Deposition Transcript of Mark Carota in ITC Inv. No. 337-TA-1411, taken December 5, 2024
2053	Excerpted Deposition Transcript of Thomas Boyajian in ITC Inv. No. 337-TA-1411, taken December 10, 2024
2054	"FDA Approves RhodoLED XL Lamp Red Light Source for Use in Actinic Keratosis Treatment," Dermatology Times, dated July 2, 2024

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	https://www.dermatologytimes.com/view/icymi-fda-approves-rhodoled-xl-lamp-red-light-source-for-use-in-actinic-keratosis-treatment
2055	Biofrontera Form 10-K, dated March 20, 2025
2056	BF-RhodoLED®, https://us.ameluz.com/hcp/activate-with-rhodoled-lamp/
2057	Biofrontera Q4 2024 Earnings Call Transcript
2058	<i>“Biofrontera Inc. Announces FDA Orange Book Listing of U.S. Patent for BF-RhodoLED® XL, Extends Protection of Ameuluz® PDT Through October 2040,”</i> BioSpace, dated March 14, 2022
2059	U.S. Pat. No.11,235,169 issued February 1, 2022 to Markus Osterloh, et al., entitled <i>Illumination Device for Photodynamic Therapy, Method for Treating a Skin Disease and Method for Operating an Illumination Device</i> (“the ’169 patent”)
2060	AMELUZ Prescribing Information, December 2021
2061	File History of U.S. Patent No. 11,446,512
2062	<i>“Actinic Keratosis,”</i> Cleveland Clinic, https://my.clevelandclinic.org/health/diseases/14148-actinickeratosis
2063	<i>“Actinic Keratosis: Diagnosis and Treatment”</i> American Academy of Dermatology Association, https://www.aad.org/public/diseases/skin-cancer/actinic-keratosistreatment
2064	<i>“Biofrontera Announces U.S. FDA Approval of Ameluz® and Activating BF-RhodoLED® Device for Treatment of Actinic Keratosis”</i> Biofrontera News Release, https://www.biofrontera.com/fileadmin/files/PDFs/Corporate_news/2016/EN/20160511 , May 11, 2016
2065	<i>“Biofrontera Bioscience GmbH,”</i> www.medicines.ie
2066	<i>“Biofrontera Inc. (BFRI) Q2 2024 Earnings Call Transcript”</i> https://seekingalpha.com/article/4714932-biofrontera-inc-bfri-q2-2024-earnings-call-transcript , August 15, 2024
2067	<i>“Biofrontera Inc. (BFRI) Q4 2023 Earnings Call Transcript”</i> https://finance.yahoo.com/news/biofrontera-inc-nasdaq-bfri-q4-132209594.html , March 18, 2024
2068	<i>“Biofrontera Inc. Reports First Quarter 2024 Financial Results and Provides a Business Update”</i> https://www.biospace.com/biofrontera-inc-reports-first-quarter-2024-financial-results-and-provides-a-business-update , May 15, 2024
2069	<i>“Biofrontera Inc. Reports Third Quarter and Nine-Month 2024 Financial results and Provides Business Update”</i> https://www.biospace.com/press-

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	releases/biofrontera-inc-reports-third-quarter-and-nine-month-2024-financial-results-and-provides-business-update, November 14, 2024
2070	Biofrontera Inc., Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the Fiscal Year Ended December 31, 2023 (Form 10-K)
2071	“Biofrontera Pharma GmbH,” https://www.medicines.org.uk/emc/product/3158/smpc
2072	“ <i>Photodynamic Therapy Market Size, Share, and Trends 2025 to 2034</i> ” Precedence Research, https://www.precedenceresearch.com/photodynamic-therapy-market
2073	“ <i>Photodynamic Therapy Market to Grow by USD 2.35 Billion (2024-2028), Driven by Rising Cancer Prevalence, AI-Powered Report Highlights Market Trends – Technavio</i> ” PR Newswire, https://www.prnewswire.com/news-releases/photodynamic-therapy-market-to-grow-by-usd-2-35-billion-2024-2028-driven-by-rising-cancer-prevalence-ai-powered-report-highlights-market-trends---technavio-302305410.html , November 14, 2024
2074	“ <i>Photodynamic Therapy</i> ” Mayo Clinic https://www.mayoclinic.org/tests-procedures/photodynamic-therapy/about/pac-20385027
2075	“ <i>U.S. Actinic Keratosis Treatment Market Size Industry Analysis 2033</i> ” BioSpace, https://www.biospace.com/u-s-actinic-keratosis-treatment-market-size-industry-analysis-2033 , April 25, 2024
2076	“ <i>Why Levulan® Kerastick® + BLU-U®</i> ,” https://www.levulan.com/why-levulan-kerastick
2077	Tim Smith, “ <i>FDA-Approved Red-Light LED Lamp Released for Patients With Actinic Keratosis</i> ,” AJMC, https://www.ajmc.com/view/fda-approved-red-light-led-lamp-released-for-patients-with-actinic-keratosis , June 28, 2024
2078	ROTH MKM, Biofrontera, Inc, “BFRI 3Q24: Hurricane Milton Impacted 3Q Revs, But 4Q Is Already Compensating,” Jonathan Aschoff, Ph.D., November 14, 2024
2079	FDA letter regarding BLU-U Model 4170E, dated May 1, 2025
2080	“ <i>Gas Discharge Tubes – Introduction</i> ”, G3YNH.info, https://www.g3ynh.info/disch_tube/intro.html
2081	[RESERVED]
2082	IPR2024-00874 EX1003 Declaration Eric Bretschneider, Ph.D.
2083	[RESERVED]

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2084	Deposition Transcript of Robert E. Grove, Ph.D., taken May 13, 2025
2085	Dermatology Times, “ <i>FDA Approves Sun Pharma’s New LED BLU-U Device for AK</i> ”, May 16, 2025 https://www.dermatologytimes.com/view/fda-approves-sun-pharma-s-new-led-blu-u-device-for-ak
2086	Declaration of Raymond Habbaz in Support of Motion for Admission <i>Pro Hac Vice</i>
2087	Deposition Transcript of Robert E. Grove, Ph.D., taken September 11, 2025
2088	Dr. Grove’s Deposition Exhibit 2088 (Excerpted Redacted Deposition Transcript of Hermann Luebbert in ITC Inv. No. 337-TA-1411, taken December 13, 2024)
2089	Notice of Initial Determination filed in ITC Investigation No. 337-TA1411, dated September 30, 2025
2090	Public Version of Initial Determination filed in ITC Investigation No. 337-TA1411, dated September 30, 2025

I. The New Opinion Paragraphs (EX1026) And The ITC Testimony (EX1031) Are Not Proper Rebuttal Evidence

Petitioner argues that ¶¶12-17 and 19 (“New Opinion Paragraphs”) of EX1026 and 591:5-7, 592:2-8 (“ITC Testimony”) of EX1031 are proper rebuttal evidence. Paper 41 (“Opposition”), 2-8, 12-15. However, these New Opinion Paragraphs and ITC Testimony contain new opinion testimony that is not responsive to Patent Owner’s Response (“POR”).

A. The New Opinion Paragraphs Go Beyond Dr. Grove’s Original Reliance On Lundahl’s “Uneven Spacing” Of LEDs

Petitioner argues that Dr. Grove “provide[s] rebuttal to Dr. Jokerst’s testimony alleging that the combination of Larsen and Lundahl would not ‘uniformly illuminate’ the treatment surface due to gaps resulting from the use of LEDs.” Opposition, 4-7. However, Dr. Grove’s original opinion was based on Lundahl’s uneven spacing between the LEDs, whereas Dr. Grove now newly opines that *the spacing of the LEDs can be modified* to achieve the required uniformity. Paper 40 (“MTEE”), 4-10. And for avoidance of doubt, Patent Owner provides the specific sentences that should be excluded:

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12. The description of Lambertian light output provided in Ndjiongue is consistent with a POSA's understanding of LED light divergence (*i.e.*, spread). Consequently, the illustration of light output provided by Dr. Jokerst is inconsistent and contradictory to this well-known principle. Furthermore, Dr. Jokerst does not define the distance from the LEDs to the treatment surface, but it is my interpretation that this treatment surface is consistent with what is provided in the '028 Patent and Lundahl, meaning that the treatment surface is at a distance of approximately 2-4" from the light-emitting surface. Additionally, Dr. Jokerst fails to identify the lateral spacing between the LEDs provided in her illustration. However, because the lights are illustrated above a "treatment surface," ~~it is my assumption that the lights are intended to reflect the general spacing of lights that would be expected on an LED panel (e.g., the LED panels described in Larsen), whereby the LEDs have a likely lateral spacing of several centimeters or less.~~ Applying the Lambertian light output profile described in Ndjiongue to the illustration provided by Dr. Jokerst, and assuming a treatment surface distance of 2-4", ~~with lateral spacing of LEDs of several centimeters or less,~~ a POSA would expect the revised illustration below, which shows a more accurate and realistic emission angle for each LED, where the rays shown represent $I = I_0/2$, at an emission angle from each LED that is associated with a *Lambertian distribution*.

14. ~~Achieving a desired uniformity with LEDs is based on (a) the lateral spacing between individual LEDs in a given row, (b) the spacing between rows of individual LEDs, and (c) the spacing between the panels with the LED light emitting surface and the treatment surface.~~ In the case of the teachings of Lundahl and Larsen and the combined device developed in view of their respective teachings, Lundahl provides guidance on (b) the spacings between rows of individual LEDs (as evidenced by the more dense grouping of rows at the top and bottom of the device, corresponding with the general location of the patient's forehead and chin), as well as (c) the spacing between the panels with the LED light emitting surface and the treatment surface (Lundahl expressly teaches that the treatment surface is 2-4" from the light emitting surface). EX1014, 6:43-57, 15:22-28. ~~Consequently, the only factor that needs to be addressed is the spacing between LEDs within each row, but this is a very straightforward process, and is easily within the skill of a POSA.~~

16. ~~It is a very straightforward process for a POSA to space adjacent LEDs in a manner that allows the divergence angles of these LEDs to overlap and prevent any gaps in illumination between adjacent LEDs.~~ Indeed, the '028 patent seems to recognize this fact, as the first paragraph of the detailed description describes embodiments of a "configurable illuminator according to the present invention," and states that, in addition to LEDs, "other types of light sources may be used, such as fluorescent or halogen lamps." EX1001, 3:52-62. The '028 patent does not provide any discussion or disclosure suggesting that the transition from fluorescents to LEDs, or vice versa, would be challenging or require any specific design considerations or strategies, underscoring the understanding of a POSA that exchanging fluorescents for LEDs is a straightforward process for a POSA, contrary to Dr. Jokerst's assertions.

17. ~~Additionally, even the physical space between adjacent panels resulting from the attachment of adjacent panels via hinges (or other means) is easily addressed by accounting for the overlap of divergence angles at a distance from the treatment surface of a minimum of two inches,~~ as I have illustrated below:

13. As can be seen from the modified illustration above, ~~a POSA would understand that, while LEDs placed in a regular row arrangement are discrete light sources, unlike a fluorescent tube, a row of individual LEDs would not be expected to have the gaps in illumination that are illustrated by Dr. Jokerst.~~

15. In particular, as I discussed in my original declaration (EX1015), based on the teachings of Lundahl and Larsen, a POSA would be motivated to replace the fluorescent tubes of Lundahl with the LEDs taught by Larsen for a number of reasons. EX1015, ¶129-131. As described by Dr. Jokerst, fluorescent tubes are a continuous light source, as illustrated below:

EX2050, ¶45. Thus, knowing that this continuous light source was being replaced by discrete LEDs, ~~a POSA would simply ensure that the divergence angles of the adjacent LEDs overlap at the desired treatment distance to ensure no "gaps" between the light emission of the individual LEDs. As I have illustrated below, it is a simple process of replacing the fluorescent tube with discrete LEDs, ensuring overlap of adjacent divergence angles at a distance from the treatment surface of a minimum of two inches.~~

19. The uniformity of 90-100% provided in the '028 Patent is significantly higher than the 60% standard required by the claims. EX2033, 15. Notably, these uniformity values of 90-100% were achieved, yet the '028 Patent does not once describe the specific spacing of LEDs on the illuminator tested in Fig. 8. EX1001, 3:59-60. While the '028 Patent references "addressable strings" included in areas 1, 3, and 5, and 2, 4, and 6 (as illustrated in Fig. 5), the '028 Patent includes no disclosure as to the specific spacing of LEDs within each of these strings. See EX1001, 6:24-37. Additionally, the '028 Patent states that, "[e]ach panel contains an array of light emitting diodes (LED) 60, which may be configured in an evenly spaced pattern across the face of the panel[,] [t]he number of individual LEDs arranged in a given array is not particularly limited[.]" EX1001, 3:56-60, but once again provides no discussion of the specific spacing of the LEDs on the panel. ~~This is because a POSA would find the determination of the specific spacing between LEDs in a row to be a straightforward task given the understanding in the art, accounting for divergence angles and the Lambertian distribution.~~

EX1026, ¶¶12-17, 19; MTEE, 7-10. As explained in the MTEE, each of the sentences stricken above contains new opinion testimony that should have been, but was not, included in Dr. Grove’s original declaration. MTEE, 4-10.

To be clear, Patent Owner does not request any of the *illustrations* in these paragraphs (discussed at length in Petitioner’s Opposition) be excluded—to the extent those illustrations are based on Dr. Grove’s original opinions that rely solely on Lundahl’s “uneven spacing.”

Finally, Petitioner’s citation to *Apple v. Gesture Tech.* is inapplicable. In *Apple*, the expert’s supplemental declaration merely explained why an opinion presented in the original declaration was “key” to the conclusions in the original declaration and Petition. *Apple Inc. v. Gesture Tech. Partners, LLC*, 127 F.4th 364, 371–72 (Fed. Cir. 2025). Here, however, Dr. Grove offers *new* opinions about the spacing of LEDs in his combination (contrary to his original reliance on the “uneven spacing” of Lundahl’s light sources).

B. The ITC Testimony Does Not Rebut Dr. Jokerst’s Testimony

Petitioner also argues that the ITC Testimony “directly rebuts Dr. Jokerst’s testimony that the ‘hinges could be placed in numerous locations’” and “‘a POSITA reading Larsen’s disclosure would have attached hinges to the bottom of the panels.’” Opposition, 7-8. However, the ITC Testimony is Petitioner’s attempt to (1) further cabin the unspecified “finite number” of solutions to connect panels to

specifically three options and (2) bring in a specific example of a hinge that can allegedly be placed on inner side surfaces. MTEE, 10-13. These new opinions should have been presented in Dr. Grove’s original declaration and the Petition, but were not, and improperly inject new evidence into the record that could have been presented with the Petition.

II. The New Opinion Paragraphs (EX1026) And The ITC Testimony (EX1031) Should Be Excluded Under FRE 403

Petitioner further argues that the MTEE “never once addresses FRE 403 in any of its arguments.” Opposition, 8-10. However, as explained in the MTEE, the inclusion of the New Opinion Paragraphs and the ITC Testimony would be unduly prejudicial to Patent Owner. They introduce new obviousness theories that could have been included in the Petition, but were not, and hence outweigh the probative value. *See* MTEE, 10, 13. Evidence that introduces new theories in Petitioner’s Reply has been routinely excluded under FRE 403 by the Board as outweighing their probative value. *See, e.g., Duration Media LLC v. Rich Media Club LLC*, IPR2023-00953, Paper 74 (PTAB 2024), 24-29; *Interactive Communications International, Inc. v. Blackhawk Network Inc.*, IPR2023-01235, Paper 34 (PTAB 2025), 61; MTEE, 3.

Petitioner further argues that the New Opinion Testimony and ITC Testimony should not be excluded under FRE 403 because “Patent Owner was allowed to

depose Dr. Grove a second time” and “also filed a sur-reply where it addressed these exhibits.” Opposition, 9-10. Merely addressing new arguments in a sur-reply does not necessarily overcome the prejudicial effect on the Patent Owner. For example, in *Duration Media* and *Interactive Comm.*, Patent Owner addressed the excluded evidence in its Sur-Reply, and the Board still found it proper to exclude the evidence. *Id.*; *Duration Media*, Paper 56, 1, 4-7; *Interactive Comm.*, Paper 20, 12-15.

III. Patent Owner’s Motion To Exclude Evidence Is Not A Motion To Strike

Finally, Petitioner argues that the MTEE is an “unauthorized Motion to Strike.” Opposition, 10-12. However, the Board is well-equipped to decipher which portions of the Reply contain new arguments and a Motion to Strike is rarely needed. Consolidated Trial Practice Guide (“CTPG”), 80-81. Hence, no such request was made. Indeed, Petitioner’s citations to *Apple v. Parus* and *Palo Alto v. Finjan* are distinguishable because Patent Owner failed to request exclusion of the evidence based on admissibility ***under FRE 403***—and only under 37 C.F.R §§ 42.23(b), 42.123(b), and 42.6(a)(3), none of which address admissibility. *See Apple Inc. v. Parus Holdings, Inc.*, IPR2020-00686, Paper 29 (PTAB 2021); *Id.*, Paper 37, 41-42; *Palo Alto Networks, Inc. and Symantec Corp. v. Finjan, Inc.*, IPR2015-01979, Paper 48 (PTAB 2016), 1-5; *Id.*, Paper 62, 66-67. Here, Patent Owner requests exclusion under FRE 403. *See* MTEE, 1, 4, 10-11; Paper 32 (Patent Owner’s Objections to Evidence), 1-3.

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a complete copy of the foregoing was caused to be served on counsel of record for the Petitioner by filing this document through PTACTS and by sending this document via electronic mail to the following addresses:

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