

Filed on behalf of Petitioner

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX INC.
Petitioner

v.

ALKERMES PHARMA IRELAND LIMITED
Patent Owner

Case No. IPR2025-00514
Patent 7,919,499

**PETITIONER'S OPPOSITION TO PATENT OWNER'S BRIEF
REQUESTING DISCRETIONARY DENIAL OF INSTITUTION**

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I. INTRODUCTION

Patent Owner (“PO”) has requested discretionary denial of institution of the Petition for *Inter Partes* Review of U.S. Patent 7,919,499 (“the ’499 Patent”). The reasons identified by PO for denial, namely the existence of a recently filed *ex parte* reexamination and a previously instituted IPR that settled prior to reaching a Final Written Decision, both of which were filed by completely different parties, are insufficient and contrary to well established law concerning discretionary denial. Instituting this IPR, rather than relying on an early stage *ex parte* reexamination, is a more efficient and effective way for the USPTO to address the ’499 Patent’s serious validity issues. The Board should reject PO’s request for the reasons discussed below.

First, discretionary denial under 35 U.S.C. §314(a) due to a recently filed *ex parte* reexamination and a previously instituted IPR, neither of which were filed by Apotex, is unwarranted. Petitioner is not the patent owner or a party, real party-in-interest, or privy to the *ex parte* requestor of the concurrent reexamination proceeding or the prior IPR petitioner. The *General Plastic* precedential decision cited by PO pertains to multiple petitions filed by the *same* petitioner. Here, Petitioner in this IPR was not a co-petitioner, real party-in-interest, or privy to the petitioner in IPR2018-00943. Contrary to PO’s assertion, this is not a “classic example of a follow-on, serial IPR petition” because the earlier petition was filed by

an entirely different petitioner, Amneal. Paper 6 at 2. Nor does Petitioner Apotex bear any “significant relationship” with Amneal as articulated in *Valve Corp. v. Electronic Scripting Prods., Inc.*, IPR2019-00062, Paper 11 (PTAB Apr. 2, 2019). What is more, the Board determined that there was a reasonable likelihood of success in the Amneal IPR but terminated the proceeding prior to issuance of a Final Written Decision due to settlement. Thus, serious unresolved questions remain concerning the validity of the Challenged Claims. The terminated Amneal IPR constitutes reason to institute trial to resolve these issues in this IPR, not deny it.

Second, discretionary denial under 35 U.S.C. §325(d) is not appropriate here. The PTAB routinely requires a completed examination and final conclusion regarding the prior art to give rise to §325(d) concerns. *Thermaltake Technology co., Ltd. v. Chien-Hao Chen*, IPR2024-01230, Paper 12, at 12 (PTAB Feb. 19, 2025). That is not the case here. A recently filed *ex parte* reexamination in the early stages of the process, contrary to PO’s assertion, does not constitute a completed examination or final conclusion by the USPTO or anything approaching that level. The concurrent reexamination was recently filed on December 16, 2024 and is pending. Accordingly, neither the CRU nor the Board has fully and finally evaluated the prior art arguments presented in the Petition. If a reexamination certificate does eventually issue, it is likely to occur well after this IPR has already been decided. With respect to the IPR petition that was previously filed by Amneal, that IPR

proceeding was terminated after institution but before issuance of a Final Written Decision. Thus, no final determination on patentability has been made of the grounds presented in Apotex's Petition. Instituting this IPR will use fewer USPTO resources, provide a more complete evidentiary record for a Final Written Decision, and accelerate the final agency determination.

For all of the foregoing reasons, and as discussed in further detail below, Petitioner requests that the Board not exercise its discretion to deny institution of the Petition.

II. DISCRETIONARY DENIAL IS UNWARRANTED

A. The Board Should Not Deny Institution Under §314(a)

1. *Discretionary Denial is Not Appropriate Under General Plastic and Other Relevant Legal Authority*

a. Denial is unwarranted in view of the *ex parte* Argentum Reexamination

The Board should decline to exercise its discretion to deny institution based on the co-pending Argentum Reexamination (Control No. 90/019,779). The factors set forth in *General Plastic Industrial Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (PTAB Sep. 6, 2027) ("*General Plastic*") confirm that discretionary denial is unwarranted in this case for at least the following reasons. *See also* Petition at 62-65.

With respect to the first *General Plastic* factor, the fact that Petitioner was not a party, real party-in-interest, or privy to the Argentum Reexamination, and this is

Petitioner’s first challenge to the ’499 Patent before the USPTO or in any other forum, weighs especially heavily against a discretionary denial. *See, e.g., Unified Patents, Inc. v. Certified Measurement, LLC*, IPR2018-00548, Paper 7, at 7-8 (PTAB Sep. 5, 2018) (“The fact that a different petitioner is involved in this proceeding weighs especially heavily against a discretionary denial.”). The context of the remaining *General Plastic* factors (2)-(5) assume that the *same* petitioner is filing multiple challenges—this is not the case here.

Indeed, the second to fifth factors “bear little relevance” here because Petitioner has never before challenged the ’499 Patent in any forum, much less before the USPTO in an IPR. *Id.* (“Once resolution of factor 1 indicates that Petitioner had not previously filed a petition against the same patent, factors 2-5 bear little relevance unless there is evidence in the record of extenuating circumstances.”). Again, Apotex was not a co-requester, RPI, or privy of the Argentinum Reexamination and bears no “significant relationship” with Argentinum under *Valve*. As such, the *General Plastic* factors “bear little relevance” to discretionary denial given that *General Plastic* addressed purported concerns over harassment by serial petitions filed by the *same* petitioner.

As to the sixth factor, instituting this Petition would be no more a burden on resources than instituting any other petition. And for the seventh factor, PO provides

no reason as to why the Board would somehow be impeded in meeting the statutory one-year limit.

And, as to the Argentum Reexamination, which is discussed in greater detail below, the Board has consistently held that the existence of a prior pending reexamination is insufficient to require a discretionary denial under *General Plastic*. See *Samsung Elecs. Co., Ltd. v. Netlist, Inc.*, IPR2022-00615, Paper 20, at 21-26 (PTAB Oct. 19, 2022) (Board instituted IPR trial after Petitioner demonstrated that the Examiner erred in the reexamination proceeding by assuming that certain prior art was ineligible); *Kyocera Corp. v. Softview LLC*, IPR2013-00004, Paper No. 11, at 2 (PTAB Dec. 21, 2012) (Board stayed reexamination proceedings and instituted IPR trial on the same patent “based on the same prior art.” The Board concluded that “[a]ny Board decision on whether to institute a review or a final written decision with respect to the patentability of the challenged claims will likely simplify the issues in the reexamination.”); see also *Thermaltake Technology co., Ltd. v. Chien-Hao Chen*, IPR2024-01230, Paper 12, at 12 (PTAB Feb. 19, 2025) (Board instituted trial after determining that “the Office has not yet considered the cited art in coming to a final conclusion that the claims are unpatentable.”); *Hulu, Inc. v. Piranha Media Distribution, LLC*, IPR2024-01253, Paper 15, at 8-9 (PTAB Mar. 4, 2025) (Board instituted IPR trial after finding that “Patent Owner does not assert that Petitioner is not a real party in interest with [the third party reexamination requester] or allege

that Petitioner is in a special relationship with [the third party reexamination requester] with respect to the EPR.”); *Tesla, Inc. v. Graphite Charging Company, LLC*, IPR2024-00388, Paper 15, at 6-8 (PTAB Aug. 27, 2024) (Board instituted IPR trial and noted that “[t]he parties do not direct us to any authority extending the application of *General Plastic* to a situation, such as here, where a reexamination request was filed before a petition.”); *Juniper Networks, Inc. v. Monarch Networking Solutions LLC*, IPR2024-00175, Paper 12, at 28-28 (PTAB May 8, 2024) (Board instituted IPR despite concurrent reexamination proceeding).

Tellingly, PO has not cited any case where a prior pending *ex parte* reexamination served as basis for discretionary denial under *General Plastic*. PO merely cites a single case relating to a prior *inter partes* reexamination, not an *ex parte* reexamination as is the case here. Further, in that single case, the petitioner was also the third-party *inter partes* reexamination requester. *Intromedic Co. v. Given Imaging Ltd.*, IPR2015-00579, Paper 9 (PTAB Aug. 5, 2015). As mentioned above, Petitioner Apotex is not the reexamination requester, nor does Apotex bear

any significant relationship with third party requester Argentum in connection with the reexamination.¹

b. Denial is unwarranted in view of the prior settled Amneal IPR

The Amneal IPR does not constitute a basis for discretionary denial for reasons similar to those discussed above with respect to the Argentum Reexamination. The Board should decline to exercise its discretion to deny institution based on the prior settled Amneal IPR, IPR2018-00943.

With respect to the first *General Plastic* factor, the fact that Petitioner was not a party, real party-in-interest, or privy to the Amneal IPR, and this is Petitioner's first challenge to the '499 Patent before the USPTO or in any other forum, weighs especially heavily against a discretionary denial.

¹ PO argues that "*Videndum* is not a precedential decision, the facts of *Videndum* are distinguishable from the instant case and a different precedential decision by former Director Vidal compels a different result." Paper 6 at 24. However, PO's citation to *Code 200, UAB v. Bright Data Ltd.*, IPR2022-00861, Paper 18 (PTAB Aug. 23, 2022) (precedential) does not help its argument that discretionary denial is warranted under §314(a) because *Code 200, UAB* is also limited to circumstances where multiple IPR petitions were filed by the *same* petitioner.

The second to fifth factors also “bear little relevance” here because Petitioner has never before challenged the ’499 Patent in any forum, much less before the USPTO in an IPR. Again, Apotex was not a co-petitioner, RPI, or privy of the Amneal IPR and bears no “significant relationship” with Amneal under *Valve*. As such, the *General Plastic* factors “bear little relevance” to discretionary denial given that *General Plastic* addressed purported concerns over harassment by serial petitions filed by the *same* petitioner. PO accuses Petitioner of impermissibly using the Amneal IPR as a “roadmap” but misapprehends *General Plastic*. In *General Plastic*, the Board was concerned that the *same* petitioner might file multiple failed petitions “using our decisions as a roadmap, until a ground is found that results in the grant of review.” *General Plastic* at 17. Here, the Amneal IPR did not fail—it was *instituted*, but terminated shortly before oral hearing due to settlement. What is more, Apotex is not even the same petitioner as explained above.

As to the sixth factor, instituting this Petition would be no more a burden on resources than instituting any other petition. And for the seventh factor, PO provides no reason as to why the Board would somehow be impeded in meeting the statutory one-year limit.

2. *Discretionary Denial is Not Appropriate Under Fintiv*

PO does not mention the *Fintiv* factors or address the terminated Teva district court litigation involving the ’499 patent for good reason—they favor institution.

The Teva litigation was terminated due to settlement and Apotex was not a party. *Alkermes, Inc. et al. v. Teva Pharmaceutical Industries Ltd. et al.*, Civ. Action No. 2:20-cv-12470 (D.N.J.). As previously explained in the Petition, the factors set forth in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv* factors”) favor institution. Petition at pages 65-66.

Fintiv at pages 13-14 states “[i]f a petitioner is unrelated to a defendant in an earlier court proceeding, the Board has weighed this fact against exercising discretion to deny institution under *NHK*.” Here, Petitioner is unrelated to the defendant in the prior Teva district court litigation, which demonstrates that discretionary denial is unwarranted. Nor is *Fintiv* applicable to the *ex parte* Argentum Reexamination given that *Fintiv* is limited to parallel district court/ITC litigation.

Thus, for the foregoing reasons, the Board should not deny institution under §314(a).

B. The Board Should Not Deny Institution Under §325(d)

Discretionary denial under Section §325(d) is not appropriate here because this Petition does not present the same or substantially the same prior art or arguments previously presented to and considered by the USPTO during prosecution. *Advanced Bionics, LLC v. Med-El Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6, at 8 (PTAB Feb. 13, 2020) (precedential).

Advanced Bionics and *Becton, Dickinson and Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 at 17-18 (PTAB Dec. 14, 2017) are discussed in the Petition (*see* pages 67-68) and further discussed below. *Advanced Bionics* sets forth the following framework:

(1) whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same previously were presented to the Office; and (2) if either condition of first part of the framework is satisfied, whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of the challenged claims.

Id. The *Advanced Bionics* framework “reflects a commitment to defer to previous Office evaluations of the evidence of record unless material error is shown.” *Id.* at 9.

1. This prior art relied on in the Petition has not been considered by the USPTO

This Petition raises invalidity challenges based on non-cumulative prior art that was either not cited and/or considered during prosecution. Discretionary denial is also unwarranted in view of the pending Argentinum Reexamination initiated by a different party.

Contrary to PO’s assertions, the same or substantially the same art had not been previously presented to and fully evaluated by the Office. In its Reexamination

Order, the CRU noted that “Comer and Wright were cited on IDSes in the ’167 application but were not relied upon or discussed by the examiner in the original prosecution.” EX2005 at 4. “Nuwayser and Rubio did not appear on an information disclosure statement (IDS) and were not cited by the examiner as relevant evidence in the original prosecution, so they represent new art not previously submitted.” *Id.*

The CRU recognized the relevance of the prior art, finding “Comer’s teachings important in assessing patentability.” *Id.* The CRU also noted that “the same question of patentability [of claims 1, 3-5, and 12 based on Comer] has not been decided by the Office in an earlier concluded review because IPR2018-00943 was terminated before the PTAB could issue a final written decision.” *Id.*; *see also id.* at 11 (“the same question of patentability [of claims 1-13 based on Comer in view of Nuwayser, Rubio, and Wright] has not been decided by the Office in an earlier concluded review because IPR2018-00943 was terminated before the PTAB could issue a final written decision.”).

Finally, in determining whether to order the Argentinum Reexamination, the CRU considered §325(d) and found that “in view of the fact that the prior instituted IPR petition was terminated after institution based on a joint settlement agreement and the PTAB did not fully evaluate the prior art presented in the petition, the Examiner as delegated by the Director declines to exercise such discretion to reject the reexamination request.” *Id.* at 13-15. For these same reasons, the Board should

not exercise its discretion to deny this Petition. That is, neither the CRU nor the Board has had an opportunity to fully evaluate the prior art presented to the USPTO.

2. The Argentum Reexamination proceeding is at an early stage and no reexamination certificate has issued

The Notice Regarding Amendment Options explains that the Board may deny institution under §325(d) of a requested AIA trial proceeding if a parallel Office proceeding, for example, is in a *more advanced stage* and involves overlapping issues with the proposed AIA trial proceeding. 84 Fed. Reg. 16654, at 16657 (Apr. 22, 2019) (emphasis added). However, the Argentum Reexamination is not in a more advanced stage as compared to this IPR proceeding. Therefore, this fact does not weigh in favor of the Board exercising discretion to deny institution. As explained in the next section, a decision in this IPR is much more likely to occur before the Argentum Reexamination is resolved.

The posture of the current matter is similar to those of *Thermaltake*, IPR2024-01230, Paper 12 (PTAB Feb. 19, 2025) (IPR petition was filed weeks after the reexamination request was filed and an reexamination order was issued; institution of the IPR was granted after a final rejection was issued in the reexamination, staying the reexamination proceeding) and *Tesla*, IPR2024-00388, Paper 15 (PTAB Aug. 27, 2024) (IPR petition was filed almost three months after the reexamination request was filed and two months after an reexamination order was issued; institution

of the IPR was granted after a final rejection was issued in the reexamination, staying the reexamination proceeding).

Here, the Argentum Reexamination is pending, and the Office has preliminarily rejected the claims over eight different grounds with various prior art combinations. The prosecution in Argentum Reexamination has not closed, and according to the record thus far, none of the claims have been amended. Further, the art cited in the Petition has not been pending before the reexamination Examiner for more than a few months, and was not previously considered in a completed AIA proceeding. Consistent with the cited cases, it would be more efficient for the USPTO to institute this IPR and stay the Argentum Reexamination.

Furthermore, *Advanced Bionics* part two asks whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims. *See above*. But the Argentum Reexamination Request is not an Office evaluation of the art and need not be distinguished by Petitioner. Rather, the Office made two initial assessments of the art. First, the Office initially determined that the art raised substantial new questions of patentability. EX2005. Second, the Office made an initial determination that (i) claims 1, 3-5, and 12 are anticipated by Comer as evidenced by Nuwayser, (ii) claims 1, 3-5, and 7-12 are anticipated by Johnson, (iii) claims 2, 6-11, and 13 are obvious over Comer in view of Nuwayser, (iv) claims 2 and 6 are obvious over Johnson in view of Rubio, (v) claim 13 is

obvious over Johnson in view of Wright, (vi) claims 1-13 are obvious over U.S. Patent No. 10,799,496 in view of Comer and Nuwayser in a nonstatutory obviousness rejection, (vii) claims 1-13 are obvious over U.S. Patent No. 10,807,995 in view of Comer and Nuwayser, and (viii) claims 1-13 are obvious over U.S. Patent No. 10,975,099 in view of Comer and Nuwayser. EX2006. It would be nonsensical to require Petitioner to argue that the Office erred in its preliminary evaluation that claims are unpatentable over the same art in a third party reexamination that Petitioner partially applies in its unpatentability grounds in this proceeding. Accordingly, the second part of *Advanced Bionics* does not apply here, where the Office has not yet considered the cited art in coming to a final conclusion that the claims are unpatentable. No reexamination certificate has issued and the CRU has not come to any final determination relating to the applicability of the prior art. As such, discretionary denial under Section 325(d) is unwarranted.

3. Disposition of the Argentum Reexamination will fall significantly behind disposition of the Apotex IPR.

PO predicts—incorrectly—that “the patentability of the claims of the ’499 Patent may already be confirmed after the Office considers the same issues presented in the Apotex IPR (along with additional issues).” Paper 6 at 16. In fact, based on the relevant data, the opposite scenario wherein Apotex’s IPR is finally decided well before the *ex parte* reexamination is much more likely to occur.

The USPTO's statistics demonstrate the likelihood that a Final Written Decision in this IPR (expected in September 2026) will be rendered prior to final disposition of the Argentum Reexamination matter. Because the Argentum Reexamination Request was filed on December 16, 2024, reexamination disposition would be expected by no earlier than January 2027 assuming that the Argentum Reexamination is an "average" *ex parte* reexamination matter. See https://www.uspto.gov/sites/default/files/documents/ex_parte_historical_stats_.pdf (EX1069) at 2 (showing an average *ex parte* reexamination pendency of 25.1 months). However, the Argentum Reexamination is not an "average" *ex parte* reexamination matter given the prior findings of a reasonable likelihood of success in the Amneal IPR. Given these findings, the Argentum Reexamination likely will be a protracted proceeding necessitating an appeal to the PTAB by PO. The appeal process would further delay final disposition of the Argentum Reexamination in view of the time necessary for briefing, hearing, and PTAB decision making. See, e.g., https://www.uspto.gov/sites/default/files/documents/fy2025_appeal_stats_april2025.pdf (EX1070) at 7 (showing pendency of reexamination appeals at the PTAB being 3.7 months after Board receipt date); see also 37 C.F.R. §41.35 (jurisdiction over the appeal proceeding passes to the Board after briefing is completed). Thus, disposition of the Argentum Reexamination will fall significantly behind disposition of the

Apotex IPR because the Argentum Reexamination is expected to conclude well beyond January 2027 based on USPTO statistics and in view of the Amneal IPR findings.

Further, the Apotex IPR is already before the PTAB, whereas the Argentum Reexamination would necessitate assessment by the CRU prior to adjudication by the PTAB on appeal, which is a less efficient use of the USPTO's resources.² Instituting the Apotex IPR and staying the *ex parte* Argentum Reexamination allows for the development of a more complete record as both Petitioner and PO are able to present their respective positions before the PTAB thereby drawing down the work required of the USPTO, whereas the reexamination proceeding is *ex parte* in nature.

Because (i) disposition of the Argentum Reexamination will fall significantly behind disposition of the Apotex IPR, (ii) the Apotex IPR will rely on fewer USPTO resources, and (iii) the Apotex IPR will produce a more complete record and reduce the USPTO's workload, the Apotex IPR should be instituted and the Argentum Reexamination should be stayed. The PTAB has taken this course under similar circumstances. *See, e.g., Thermaltake*, IPR2024-01230, Paper 12 (PTAB Feb. 19, 2025); *Hulu*, IPR2024-01253, Paper 15 (PTAB Mar. 4, 2025); *Tesla*, IPR2024-

² Petitioner reserves the right to challenge the March 26, 2025 Interim Processes for PTAB Workload Management.

00388, Paper 15 (PTAB Aug. 27, 2024); *Juniper*, IPR2024-00175, Paper 12, at 26-28 (PTAB May 8, 2024) (Board instituted IPR despite concurrent reexamination proceeding, finding that “[i]t is premature to characterize the reexamination grounds as ‘previously presented,’ or to evaluate whether the Office erred in a manner material to the patentability of the challenged claims.”). Accordingly, discretionary denial of this IPR is not warranted.

4. This Petition includes grounds and supporting evidence that are distinct from the rejections and evidence at issue in the Argentum Reexamination

This Petition and the Argentum Reexamination Office Action are based on overlapping but different grounds. In fact, this Petition contains grounds that are distinct from grounds at issue in the Argentum Reexamination, and presents supporting evidence including expert testimony which is also not at issue in the Argentum Reexamination. As PO correctly points out, Ground 1 of this Petition corresponds to the Argentum Reexamination SNQ1 and one of the anticipation rejections of the Office Action that issued on April 30, 2025 in Control No. 90/019,779. Paper 6 at 7-9. However, neither of Grounds 2 or 3 were completely adopted and issued in the Office Action. Ground 2 challenged claims 1-13 as obvious over Comer in view of Nuwayser, Rubio, and Wright. In contrast, the Office Action only rejected claims 2, 6-11, and 13 over Comer in view of just Nuwayser. *Id.* Ground 3 challenged claims 1-13 as obvious over Nuwayser in view of Comer,

Rubio, and Wright. The Office Action did not rely on the combination of prior art references presented in Ground 3. Further, the Argentinum Reexamination Request was not filed with the opinion of an expert. Thus, this Petition and the Argentinum Reexamination Office Action are based on overlapping but different grounds and supported by overlapping but different prior art, extrinsic evidence, and arguments. Unlike this IPR, no new expert testimony was filed in support of the Argentinum Reexamination, nor will there be any opportunity for expert discovery in the Argentinum Reexamination.

III. CONCLUSION

For at least the foregoing reasons, the Director should deny PO's request for discretionary denial of institution.

Date: June 6, 2025

Respectfully submitted,

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APPENDIX A—LIST OF EXHIBITS

EXHIBIT	DESCRIPTION
1001	U.S. Patent No. 7,919,499, issued on April 5, 2011 to E. Ehrich (“the ’499 Patent”)
1069	United States Patent and Trademark Office – <i>Ex Parte</i> Reexamination Filing Data available at https://www.uspto.gov/sites/default/files/documents/ex_parte_historical_stats_.pdf (retrieved June 6, 2025)
1070	United States Patent and Trademark Office – Appeal Statistics (April 30, 2025) available at https://www.uspto.gov/sites/default/files/documents/fy2025_appeal_stats_april2025.pdf (retrieved June 6, 2025)
2005	Order Granting Request for <i>Ex Parte</i> Reexamination of U.S. Patent No. 7,919,499 in Reexamination Control No. 90/019,779 (Jan. 28, 2025)
2006	Office Action in Reexamination Control No. 90/019,779 (Apr. 30, 2025)

CERTIFICATE OF COMPLIANCE WITH 37 C.F.R. §42.24

Pursuant to Acting Director Stewart's March 26, 2025 Memorandum on Interim Processes for PTAB Workload Management, the undersigned certifies that the foregoing Opposition to Patent Owner's Brief Requesting Discretionary Denial of Institution totals 3,986 words, excluding the parts which are exempted by 37 C.F.R. §42.24.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 6th day of June, 2025, a true and correct copy of the foregoing **PETITIONER'S OPPOSITION TO PATENT OWNER'S BRIEF REQUESTING DISCRETIONARY DENIAL OF INSTITUTION** is being served by electronic mail on counsel for Patent Owner as follows:

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