

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

3M Company, Merck & Co., Inc., and Merck Sharp & Dohme Corp.

Petitioners,

v .

AptarFrance S.A.S.,

Patent Owner.

---

Case IPR2018-01055  
Patent No. 9,370,631 B2

---

**PETITIONERS' UPDATED EXHIBIT LIST**

Pursuant to 37 C.F.R. § 42.63(e), Petitioners 3M Company, Merck & Co., Inc., and Merck Sharp & Dohme Corp. (collectively, “Petitioners”) hereby submit a current list of their exhibits.

<b>Exhibit</b>	<b>Description</b>
1001	U.S. Patent No. 9,370,631 (the “’631 Patent”)
1002	Declaration of S. David Piper
1003	Curriculum Vitae of S. David Piper
1004	Prosecution History of Application No. 10/556,432 that led to U.S. Patent No. 8,936,177, the parent of the ’631 Patent
1005	Prosecution History of Application No. 14/510,324 that led to the ’631 Patent
1006	International Publication No. WO 11/59806 (“ <i>Allsop</i> ”)
1007	U.S. Patent No. 6,283,362 (“ <i>Bason</i> ”)
1008	European Patent No. EP 0480488 (“ <i>Morelli</i> ”)
1009	U.S. Patent No. 3,205,863 (“ <i>Rhoades</i> ”)
1010	U.S. Patent No. 6,747,331
1011	U.S. Patent No. 6,752,153
1012	U.S. Food and Drug Administration, Division of Pulmonary and Allergy Drug Products in the Center for Drug Evaluation and Research (DCER), <i>Draft Guidance for Industry Integration of Dose-Counting Mechanisms into MDI Drug Products</i> (November 2001)
1013	United States Food and Drug Administration, Division of Pulmonary and Allergy Drug Products in the Center for Drug Evaluation and Research (CDER), <i>Final Guidance for Industry Integration of Dose-Counting Mechanisms into MDI Drug Products</i> (March 2003)
1014	International Publication No. WO 95/26769
1015	International Publication No. WO 96/03172
1016	RESERVED

1017	European Publication No. EP 0949584 A2 (“ <i>Bason Publication</i> ”)
1018	A.R. Clark, <i>Medical Aerosol Inhalers: Past, Present, and Future</i> , 22 AEROSOL SCI. & TECH., 374 (1995)
1019	U.S. Patent No. 2,721,010
1020	U.S. Patent No. 5,290,539
1021	U.S. Patent No. 5,992,309
1022	U.S. Patent No. 2,126,626
1023	U.S. Patent No. 4,414,891
1024	U.S. Patent No. 7,195,134
1025	RESERVED
1026	RESERVED
1027	Andrew G. Weinstein, <i>When Should Your Asthmatic Patients Refill Their MDI Propelled with Chlorofluorocarbons?</i> , 70 DEL. MED. J., 293 (1998)
1028	Tina Penick Brock et al., <i>Accuracy of Float Testing for Metered-Dose Inhaler Canisters</i> , 42 J. OF THE PHARM. ASS’N, 582 (2002)
1029	Excerpt from Joseph Edward Shigley and Larry D. Mitchell, <i>Mechanical Engineering Design</i> , 16 (McGraw-Hill, Inc., 4 <sup>th</sup> ed., 1983)
1030	Excerpt from Robert E. Parr, <i>Principles of Mechanical Design</i> , 112-113 (McGraw-Hill, Inc., 1970)
1031	U.S. Patent No. 5,243,970
1032	U.S. Patent No. 7,090,662
1033	International Publication No. WO 2007/045904
1034	U.S. Patent No. 9,439,648
1035	RESERVED
1036	British Patent GB 1317315
1037	U.S. Patent No. 5,349,945
1038	U.S. Patent No. 6,142,339
1039	U.S. Patent No. 6,161,724

1040	International Publication No. QO 1998/56444
1041	Lewis, Metered-dose inhalers: actuators old and new, 4(3) EXPERT OPIN. DRUG. DELIV. 235 (May 2007)
1042	Stein and Thiel, the History of Therapeutic Aerosols: A Chronological Review 2017
1043	Excerpts from Federal Register Vol. 66
1044	Excerpts from Federal Register Vol. 68
1045	W. Travis Cain & John J. Oppenheimer, <i>The misconception of using floating patterns as an accurate means of measuring the contents of metered-dose inhaler devices</i> , 87 ANNALS OF ALLERGY, ASTHMA, & IMMUNOLOGY, 417 (2001)
1046	RESERVED
1047	Excerpt of Douglas M. Bryce, Plastic Injection Molding, Vol. 1 (1996)
1048	R. K. Schultz, <i>Drug delivery characteristics of metered-dose inhalers</i> , 96 J. ALLERGY CLIN. IMMUNOL. 284 (1995)
1049	D. B. Price <i>et al.</i> , <i>Historical cohort study examining comparative effectiveness of albuterol inhalers with and without integrated dose counter for patients with asthma or chronic obstructive pulmonary disease</i> , 9 J. ASTHMA & ALLERGY 145 (2016)
1050	Declaration of Ron N. Sklar in support of Motion to Appear <i>Pro Hac Vice</i>
1051	Biography of Ron N. Sklar
1052	RESERVED
1053	RESERVED
1054	RESERVED
1055	May 9, 2018 Declaration of Charles E. Clemens in IPR2018-01159, West Phar, Svcs., Inc. v. Sanofi-Aventis Deutschland GmbH
1056	Excerpt of Transcript of Video Deposition of Charles E. Clemens, taken October 25, 2007, in Novo NorDisk v. Sanofi-Aventis U.S. LLC, et al., No-3:07-cv-03206 (Dkt No. 233-25)
1057	Deposition Transcript of Charles E. Clemens, taken April 24, 2019

1058	Declaration of S. David Piper
1059	Declaration of Charles E. Clemens in related IPR2018-01054
1060	RESERVED
1061	Jill Matzke, <i>Chapter 16—Dfe for Engineering Managers: Making it Count—Dfe and the Bottom Line</i> , GREEN ELECTRONICS/GREEN BOTTOM LINE (2000)
1062	C. Manoharan, et. al., An Expert System for Design for Robotic Assembly, 1 J. INTELL. MANUF. 17 (1990)
1063	Reserved
1064	IEEE 100 The Authoritative Dictionary of IEEE Standards Terms (7th ed.) 2000
1065	Merriam-Webster's Collegiate Dictionary (11th ed.) 2012

Respectfully submitted,

Date: May 13, 2019

By: /Steven D. Maslowski/  
Steven D. Maslowski  
Registration No. 46,905  
Counsel for Petitioners  
3M Company, Merck & Co., Inc., and  
Merck Sharp & Dohme Corp.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Petitioners' Updated Exhibit List was served on counsel of record on May 13, 2019 by filing this document through the End-to-End System, as well as delivering a copy via electronic mail to counsel of record for the Patent Owner at the following addresses:

Ashely N. Moore - amoore@mckoolsmith.com  
Robert M. Manley - rmanley@mckoolsmith.com  
Ryan Hargrave - rhargrave@mckoolsmith.com  
Benjamin G. Murray - bmurry@mckoolsmith.com

Respectfully submitted,

Date: May 13, 2019

By: /Steven D. Maslowski/  
Steven D. Maslowski  
Registration No. 46,905  
Counsel for Petitioners  
3M Company, Merck & Co., Inc., and  
Merck Sharp & Dohme Corp.