

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS VII LLC
Petitioner

v.

POZEN INC.
Patent Owner

Case No. IPR2015-01718
Patent No. 8,945,621

**PATENT OWNER'S REQUEST FOR REHEARING OF THE
DECISION TO INSTITUTE TRIAL**
37 C.F.R. § 42.71(c)

TABLE OF CONTENTS

	Page(s)
I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED	1
II. LEGAL STANDARDS	3
III. BASIS FOR RELIEF REQUESTED	4
A. The Petition and Preliminary Response Both Acknowledge that the Final “Wherein” Clause Should Be Given Patentable Weight	4
B. The Examiner Added the Final “Wherein” Clause in an Examiners Amendment	6
C. The Final “Wherein” Clause Is Entitled to Patentable Weight Because it Was Added by the Examiner as a Condition for Allowance	8
IV. THE PATENTABLE WEIGHT OF THE FINAL “WHEREIN” CLAUSE SHOULD BE DECIDED AT THIS STAGE OF THE PROCEEDING	11
V. CONCLUSION	11

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Biosig Instruments, Inc. v. Nautilus, Inc.</i> , 715 F.3d 891 (Fed. Cir. 2013), <i>vacated and remanded on other grounds</i> , 134 S. Ct. 2120 (2014).....	9
<i>Biosig Instruments, Inc. v. Nautilus, Inc.</i> , 783 F.3d 1374 (Fed. Cir. 2015)	9
<i>Eli Lilly & Co. v. Bd. of Regents of the Univ. of Wash.</i> , 334 F.3d 1264 (Fed. Cir. 2003)	3
<i>Eltech Sys. Corp. v. PPG Indus., Inc.</i> , 710 F. Supp. 622 (W.D. La. 1988), <i>aff'd</i> , 903 F.2d 805 (Fed. Cir. 1990).....	10
<i>Hoffer v. Microsoft Corp.</i> , 405 F.3d 1326 (Fed. Cir. 2005) (<i>per curiam</i>).....	9
<i>Minton v. Nat’l Ass’n of Secs. Dealers, Inc.</i> , 336 F.3d 1373 (Fed. Cir. 2003)	2, 8, 9
<i>Research Found. of State Univ. of New York v. Mylan Pharm. Inc.</i> , 723 F. Supp. 2d 638 (D. Del. 2010).....	9
<i>Stevens v. Tamai</i> , 366 F.3d 1325 (Fed. Cir. 2004)	3
<i>Texas Instruments, Inc. v. U.S. Int’l Trade Comm’n</i> , 988 F.2d 1165 (Fed. Cir. 1993)	2, 8
<i>Thermalloy Inc. v. Aavid Eng’g, Inc.</i> , 935 F. Supp. 55 (D.N.H. 1996), <i>amended by</i> , 935 F. Supp. 63 (D.N.H. 1996), <i>aff’d</i> , 121 F.3d 691 (Fed. Cir. 1997)	9, 10

Other Authorities

37 C.F.R. § 42.1(b) 11
37 C.F.R. § 42.71 1, 3
M.P.E.P. § 2111.04 2

Pursuant to 37 C.F.R. § 42.71(c), Horizon Pharmaceuticals, Inc. (“Horizon”) and Pozen Inc. (“Pozen”) (collectively, “Patent Owner”)¹ respectfully request a rehearing in response to the Decision, Institution of *Inter Partes* Review of U.S. Patent No. 8,945,621 (“Decision”) (Paper No. 17).

I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED

On February 22, 2016, the Board authorized the institution of this *inter partes* review of claims 1-16 of U.S. Patent No. 8,945,621 (“the ’621 patent”) on the two grounds presented in the petition: (1) obviousness of claims 1-16 over Plachetka, Graham, and Goldstein; and (2) obviousness of claims 1-16 over Plachetka alone. *See* Decision at 21. Patent Owner respectfully requests reconsideration of the Board’s decision to institute on both grounds.

Agreeing with Patent Owner, the Board found that Coalition for Affordable Drugs VII, LLC (“Petitioner”) failed to establish that Plachetka, Graham, or Goldstein—alone or in combination—teaches or suggests the final “wherein” clause of independent claims 1, 8, 15, and 16: “administration of the unit dose form is more effective at reducing the incidence of the NSAID-associated ulcers in

¹ As explained in Patent Owner’s Mandatory Notices, Paper No. 7, Pozen is the assignee of the ’621 patent and Horizon is its exclusive licensee.

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