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.

IPR2015-01718
Patent 8,945,621

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I. INTRODUCTION 1

II. BACKGROUND OF THE '621 PATENT 1

A. The '621 Patent Is an Improper Attempt to Extend the Term of Patents for Vimovo® 1

B. The Claimed "Inventions" of the '621 Patent Reside in the Final "Wherein" Clause of the Independent Claims 4

III. ARGUMENT 5

A. The Final "Wherein" Clause Is Not Entitled to Patentable Weight 5

1. The Final "Wherein" Clause Merely States a Result 5

2. Patent Owner Cites No Case Law to Support Giving the Final "Wherein" Clause Patentable Weight 7

3. The Final "Wherein" Clause Is Unpatentable Under 35 U.S.C. § 101 11

B. Ground 1: The Final "Wherein" Clause Is Obvious Over Plachetka in View of Graham and Goldstein 12

1. The Evidence Proves that the Claims are Obvious Over Plachetka in View of Graham and Goldstein 12

2. A POSA Would Have Considered Graham and Goldstein 15

3. The Cited Prior Art References Do Not "Teach Away" from the Claimed Invention 18

C. Ground 2: The Final "Wherein" Clause Is the Inherent Result of Plachetka. 20

IV. CONCLUSION 22

TABLE OF AUTHORITIES

Cases

Amgen Inc. v. Hoechst Marion Roussel, Inc.,
314 F.3d 1313 (Fed. Cir. 2003) 16

Ass'n for Molecular Pathology v. Myriad Genetics, Inc.,
133 S. Ct. 2107 (2013).....11

Beckman Instruments, Inc. v. LKB Produkter AB,
892 F.2d 1547 (Fed. Cir. 1989) 16

Biosig Instruments, Inc. v. Nautilus, Inc.,
783 F.3d 1374 (Fed. Cir. 2015) 9

Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.,
246 F.3d 1368 (Fed. Cir. 2001) 7

DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.,
567 F.3d 1314 (Fed. Cir. 2009) 19

Eltech Sys. Corp. v. PPG Indus., Inc.,
710 F. Supp. 622 (W.D. La. 1988), *aff'd in part*, 903 F.2d 805 (Fed. Cir. 1990) 10

Gottschalk v. Benson,
409 U.S. 63 (1972).....11

Hoffer v. Microsoft Corp.,
405 F.3d 1326 (Fed. Cir. 2005) (per curiam) 8

In re Fulton,
391 F.3d 1195 (Fed. Cir. 2004) 19

In re Pearson,
494 F.2d 1399 (CCPA 1974).....21

In re Schreiber,
128 F.3d 1473 (Fed. Cir. 1997) 21

In re Spada,
911 F.2d 705 (Fed. Cir. 1990) 21

In re Zierden,
411 F.2d 1325 (CCPA 1969) 21

Mayo Collaborative Servs. v. Prometheus Labs., Inc.,
132 S. Ct. 1289 (2012) 11, 12

Minton v. National Ass'n of Securities Dealers, Inc.,
336 F.3d 1373 (Fed. Cir. 2003) 6, 7

Par Pharm., Inc. v. TWI Pharm., Inc.,
773 F.3d 1186 (Fed. Cir. 2014) 22

Research Found. of State Univ. of New York v. Mylan Pharm. Inc.,
723 F. Supp. 2d 638 (D. Del. 2010).....7, 8

Symbol Tech., Inc. v. Opticon, Inc.,
935 F.2d 1569 (Fed. Cir. 1991) 16

Syntex (U.S.A.) LLC v. Apotex, Inc.,
407 F.3d 1371 (Fed. Cir. 2005) 7

Texas Instruments, Inc. v. U.S. Int'l Trade Comm'n.,
988 F.2d 1165 (Fed. Cir. 1993) 6

Thermalloy Inc. v. Aavid Eng'g, Inc.,
935 F. Supp. 55 (D.N.H. 1996), *amended by*, 935 F. Supp. 63 (D.N.H. 1996), *aff'd*, 121 F.3d 691 (Fed. Cir. 1997) 10

Statutes

35 U.S.C. § 101.....11

35 U.S.C. § 103..... 4, 16

I. INTRODUCTION

During the institution phase of this proceeding, the Board found that the "Petition establishes a reasonable likelihood" that all claims 1–16 of the '621 patent are unpatentable on both Grounds 1 and 2 of the Petition. Decision at 21. The Board also raised the issue of whether the final "wherein" clause of the independent claims should be entitled to patentable weight. Decision at 15, 20.

None of the arguments raised by Patent Owner in its Response are sufficient to alter the prior decision of the Board. Patent Owner has no new answer for overcoming the prior art asserted in Grounds 1 and 2 of the Petition. Nor does Patent Owner plausibly explain why the final "wherein" clause—which recites the natural result of using an existing pharmaceutical product—should be entitled to any patentable weight.

The Board's initial findings are supported by more than substantial evidence and are correct as a matter of law. Petitioner, therefore, respectfully requests that the Board issue a Final Written Decision finding the instituted claims to be unpatentable.

II. BACKGROUND OF THE '621 PATENT

A. The '621 Patent Is an Improper Attempt to Extend the Term of Patents for Vimovo®

It is undisputed that the '621 Patent is directed to methods of treating patients by administering an ***existing*** pharmaceutical product. In its Response,

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