

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BENITEC BIOPHARMA LIMITED

Petitioner,

v.

COLD SPRING HARBOR LABORATORY

Patent Owner.

Case IPR Unassigned

Patent No. 8,153,776

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,153,776 UNDER 37 C.F.R. § 42.100**

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C. Ground 3: Detailed Explanation Under 37 C.F.R. § 42.104(b) of How Claims 1-10 are Obvious under 35 U.S.C. § 103(a) over a combination of Graham and/or Zamore, in view of a combination of Tuschl, Fire, Harborth, Parrish, Sijen, Green, Tian, Waterhouse, and/or Symonds, and in View of the Ordinary Skill in the Art.....41

X. CONCLUSION.....60

TABLE OF EXHIBITS

EXHIBIT	DESCRIPTION
1001	U.S. Patent No. 8,153,776 to Hannon et al.
1002	Prosecution History of U.S. Patent No. 8,153,776
1003	U.S. Patent No. 7,691,995 to Zamore et al.
1004	U.S. Provisional Patent Application 60/305,185 to Zamore et al.
1005	U.S. Patent No. 6,573,099 to Graham et al.
1006	U.S. Patent No. 6,506,559 to Fire et al.
1007	U.S. Patent. Pub. No. 2002/0086356 to Tuschl et al.
1008	Green et al., Genes Dev. 6: 2478-2490 (1992).
1009	Tian et al., RNA, 6:79-87 (2000).
1010	Parrish et al., Molecular Cell, 6:1077-1087 (Nov. 2000).
1011	Sijen et al., Cell, 107:465-476 (Nov. 2001).
1012	Harborth et al., J. Cell Science 114, 4557-4565 (2001).
1013	Waterhouse et al., Nature, Vol. 411:834-842 (June 2001).
1014	[RESERVED]
1015	U.S. Patent No. 7,345,025 to Symonds et al.
1016	Elbashir et al., Nature, Vol. 411 (May 2011).

EXHIBIT	DESCRIPTION
1017	Paddison, et al., Genes and Dev., 16:948-958 (Apr. 2002). ¹
1018	[RESERVED]
1019	[RESERVED]
1020	[RESERVED]
1021	[RESERVED]
1022	Excerpt from U.S. Patent No. 8,383,599 prosecution history (Sept. 19, 2011 Remarks by Patentee)
1023	Excerpts from U.S. Patent No. 8,202,846 prosecution history (January 3, 2011 and March 14, 2012 Remarks by Patentee)

¹ As indicated in Section I.2, this Petition is being filed concurrently with three related Petitions. Several of the exhibits are being submitted with multiple petitions. The documents submitted with each petition are numbered sequentially as exhibits, and each submitted exhibit is given the same exhibit number if used in the related petitions. Ex. 1002 in each petition, however, is the prosecution history for that petition and will differ across petitions. Petitioner respectfully submits that its sequential exhibit numbering system complies with the requirements of the Patent Review Processing System and further minimizes any confusion to the parties and the Board in any instituted reviews.

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