

BLUEBIRD BIO, INC.,

Petitioner,

v.

SLOAN KETTERING INSTITUTE FOR CANCER RESEARCH

Patent Owner.

IPR2023-00070 (U.S. Patent No. 7,812,111)

IPR2023-00074 (U.S. Patent No. 8,122,111)

January 24, 2024 Oral Hearing

Patent Owner's Demonstration

Challenged Claims And Asserted

IPR2023-00070 (U.S. Patent No.

Ground	Claims Challenged	35 U.S.C. §	Refer
1	1, 19, 22	§102	May
2	1, 19, 22	§102	Nat
3	1, 19, 22	§103	Nat
4	1, 10, 19, 22	§103	May

Challenged Claims And Asserted

IPR2023-00070 (U.S. Patent No. 7

Ground	Claims Challenged	Basis	Petitioner's Briefing
1	1, 19, 22	§102 – May Thesis	No longer se found, the M any of the C
2	1, 19, 22	§102 – Nature Article	No longer se found, Natur of the eleme
3	1, 19, 22	§103 – Nature Article	Still at issue because its p the Nature A
4	1, 10, 19, 22	§103 – May Abstract	Still at issue obviousness

Priority Date Of The '179 P

Claim	Claim Element
1	A recombinant vector comprising a nucleic acid encoding a functional globin operably linked to a 3.2-kb nucleotide fragment which consists essentially of three contiguous nucleotide fragments obtainable from a human β -globin locus control region (LCR), the three fragments being a BstXI and SnaBI HS2-spanning nucleotide fragment of said LCR, a BamHI and HindIII HS3-spanning nucleotide fragment of said LCR and a BamHI and BanII HS4-spanning nucleotide fragment of said LCR, said vector providing expression of the globin in a mammal in vivo.
10	The vector of claim 1, wherein the functional globin is human globin .
19	The vector of claim 1, wherein the functional globin is a β-globin .
22	The vector of claim 1, wherein the vector is a lentiviral vector.

Claim 19 Should Be Afforded The Same Pr

Claim	Claim Element
10	The vector of claim 1, wherein the functional globin is human globin .
19	The vector of claim 1, wherein the functional globin is a β-gl

“In order to satisfy the written description requirement, filed does not have to provide *in haec verba* support for the issue.” *Purdue Pharma L.P. v. Faulding Inc.*, 230 F.3d 1320

Instead, “the test for sufficiency is whether the disclosure upon reasonably conveys to a POSA that the inventors have subject matter as of the filing date.” *Ariad Pharms. Inc. v.* 1351 (Fed. Cir. 2010).

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