

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. 8,000,000)

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).

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.