

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ETON PHARMACEUTICALS, INC.,
Petitioner

v.

EXELA PHARMA SCIENCES, LLC,
Patent Owner

Case PGR2020-00086
Patent No. 10,653,719

**PATENT OWNER'S
PRELIMINARY RESPONSE**

TABLE OF CONTENTS

I. Introduction1

II. Background13

A. L-Cysteine Is an Essential Amino Acid, Primarily Administered to Infants, that Posed Devastating Health Risks Due to its High Aluminum Content Before Exela’s Invention.....13

B. The Patented Invention Solved the Long-Standing and Complex Problem to Fulfill an Unmet Need for a Stable, Highly Pure, Low-Aluminum L-Cysteine TPN Component Substantially Free of Visually Detectable Particulate Matter18

III. Claim Construction25

IV. Level of Ordinary Skill in the Art.....26

V. The Petition Fails to Meet the Particularity Requirement of 35 U.S.C. § 322(A)(3) By Conflating the “Sandoz Label” With a “Sandoz Product” and Relying on Alleged Features of that Product that Lack Evidentiary Support.....27

VI. Institution Should Be Denied Because Eton Cannot Prevail as to Any Challenged Claim36

A. Eton Fails to Demonstrate that Claims 1-27 Would Have Been Obvious Over the Sandoz Label in View of the Knowledge of a POSITA36

i. Eton Fails to Show that the Sandoz Label Discloses or Suggests the Claimed Amounts of Aluminum37

ii. Eton’s “Routine Optimization” Argument Is Based on Hindsight-Infected Assumptions and Ignores the Complex Interplay Between the Claimed Composition’s Features43

VII. The Board Should Deny The Petition Under 35 U.S.C. § 324(a) Because the Parallel District Court Litigation Makes Institution Inefficient.....64

VIII. Conclusion67

EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of Dr. Robert J. Kuhn
2002	Aileen B. Sedman et al., <i>Evidence of Aluminum Loading in Infants Receiving Intravenous Therapy</i> , 312 NEW ENG. J. MED. 1337 (1985)
2003	Nicholas J. Bishop et al., <i>Aluminum Neurotoxicity in Preterm Infants Receiving Intravenous-Feeding Solutions</i> , 336 NEW ENG. J. MED. 1557 (1997)
2004	ELCYS [®] Label, Exela Pharma Sciences, LLC
2005	Amended Complaint (Redacted), <i>Exela Pharma Sciences, LLC v. Sandoz, Inc.</i> , No. 1:20-cv-00645-MN (D. Del. June 1, 2020), ECF No. 12
2006	Amended Complaint, <i>Exela Pharma Sciences, LLC v. Eton Pharmaceuticals, Inc.</i> , No. 20-365-MN (D. Del. July 28, 2020), ECF No. 14
2007	Declaration of Mark Hartman (Redacted), <i>Exela Pharma Sciences, LLC v. Sandoz Inc.</i> , No. 19-cv-00318-MR (W.D.N.C. Dec. 6, 2019), ECF No. 26-1
2008	Megan Fortenberry et al., <i>Evaluating Differences in Aluminum Exposure Through Parenteral Nutrition in Neonatal Morbidities</i> , 9 NUTRIENTS 1249 (2017)
2009	Kathleen M. Gura, <i>Aluminum Contamination in Parenteral Products</i> , 17 CURR. OPIN. CLIN. NUTR. & METAB. CARE 551 (2014)
2010	Gordon L. Klein et al., <i>Hypocalcemia Complicating Deferoxamine Therapy in an Infant with Parenteral Nutrition-Associated Aluminum Overload: Evidence for a Role of Aluminum in the Bone Disease of Infants</i> , 9 J. PED. GASTR. & NUTR. 400 (1989)
2011	Jay M. Mirtallo, <i>Aluminum Contamination of Parenteral Nutrition Fluids</i> , 34 J. PARENTERAL & ENTERAL NUTR. 346 (2010)
2012	Robert L. Poole et al., <i>Aluminum Exposure From Pediatric Parenteral Nutrition: Meeting the New FDA Regulation</i> , 32 J. PARENTERAL & ENTERAL NUTR. 242 (2008)
2013	Eton Pharmaceuticals, Inc., Amendment No. 1 to Sales/Marketing Agreement (Form S-1/A, Exhibit 10.18) (Sept. 25, 2018)

2014	<i>Eton Pharmaceuticals, Inc. v. Exela Pharma Sciences, Inc.</i> , PGR2020-00064, Paper 1 (P.T.A.B. May 19, 2020)
2015	<i>Eton Pharmaceuticals, Inc. v. Exela Pharma Sciences, Inc.</i> , PGR2020-00064, Paper 12 (P.T.A.B. Nov. 18, 2020)
2016	<i>Eton Pharmaceuticals, Inc. v. Exela Pharma Sciences, Inc.</i> , PGR2020-00068, Paper 1 (P.T.A.B. June 8, 2020)
2017	<i>Eton Pharmaceuticals, Inc. v. Exela Pharma Sciences, Inc.</i> , PGR2020-00068, Paper 11 (P.T.A.B. Dec. 15, 2020)
2018	Eton Letter to Judge Noreika, <i>Exela Pharma Sciences, LLC v. Eton Pharmaceuticals, Inc.</i> , No. 20-00365-MN (D. Del. Nov. 18, 2020), ECF No. 48
2019	Excerpt From the File History of U.S. Patent Application No. 16/746,028 – Request for Continued Examination (May 28, 2020), Information Disclosure Statement (May 28, 2020), Information Disclosure Statement (June 11, 2020), and Notice of Allowance (Jan. 13, 2021)
2020	Excerpt From the File History of U.S. Patent Application No. 16/773,641 – Request for Continued Examination (June 2, 2020), Information Disclosure Statement (June 11, 2020), Information Disclosure Statement (Nov. 9, 2020), and Notice of Allowance (Dec. 23, 2021)
2021	Opening Brief in Support of Defendant Eton Pharmaceuticals, Inc.’s Motion to Stay Pending Post-Grant Proceedings, <i>Exela Pharma Sciences, LLC v. Eton Pharmaceuticals, Inc.</i> , No. 20-00365-MN (D. Del. Oct. 2, 2020), ECF No. 33

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