

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

TEVA PHARMACEUTICALS  
INTERNATIONAL GMBH and  
TEVA PHARMACEUTICALS  
USA, INC.,

*Plaintiffs,*

v.

ELI LILLY AND COMPANY,

*Defendant.*

Civil Action No.  
1:18-cv-12029-ADB

[REDACTED]

[REDACTED]

**L.R. 56.1 RESPONSIVE STATEMENT OF MATERIAL FACTS IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT FOR LACK OF ENABLEMENT**



**TABLE OF CONTENTS**

TABLE OF ABBREVIATIONS ..... iii

PLAINTIFFS’ PRELIMINARY STATEMENT ..... 1

PLAINTIFFS’ RESPONSIVE MATERIAL FACTS..... 3

    I.    IPR PROCEEDINGS..... 3

    II.   LEVEL OF ORDINARY SKILL IN THE ART ..... 7

    III.  THE INVENTIONS OF THE PATENTS IN SUIT AND SCOPE OF THE  
          ASSERTED CLAIMS ..... 8

    IV.  STATE OF THE PRIOR ART AND PREDICTABILITY OF THE ART ..... 10

        A.    CGRP and Headache..... 10

        B.    Antibodies, Including Anti-CGRP Antagonist Antibodies..... 15

        C.    Animal Models of Headache ..... 19

    V.   A POSA’S UNDERSTANDING OF THE TEACHINGS OF THE  
          SPECIFICATION..... 21

        A.    Disclosures of Anti-CGRP Antagonist Antibodies..... 21

        B.    Disclosures Regarding CGRP and Use of Anti-CGRP Antagonist  
                Antibodies to Treat Headache..... 25

            1.    Animal Assays Demonstrating Effectiveness ..... 25

            2.    Use of anti-CGRP Antagonist Antibodies ..... 28

    VI.  A POSA WOULD HAVE BEEN ABLE TO PRACTICE THE CLAIMED  
          METHODS WITHOUT UNDUE EXPERIMENTATION..... 30

    VII.  COMPARISON OF GALCANEZUMAB AND ANTIBODIES USED IN THE  
          ASSERTED CLAIMS ..... 33


    VIII. DEVELOPMENT OF GALCANEZUMAB ..... 34


    IX.  THE INVENTOR’S DEVELOPMENT OF ANTI-CGRP ANTAGONIST  
          ANTIBODIES..... 35

    X.   TEVA’S CLUSTER HEADACHE TRIAL..... 36

    XI.  THE PARTIES’ EXPERTS..... 37

    XII. DR. RAVETCH’S PGR DECLARATION ..... 38

    XIII.  ..... 39

    XIV.  ..... 41

PLAINTIFFS’ RESPONSES TO DEFENDANT’S STATEMENT OF MATERIAL FACTS... 41

    I.    PROCEDURAL POSTURE..... 41

    II.   CGRP AND HEADACHE DISORDERS ..... 50

    III.  ANTIBODY DIVERSITY..... 58

[REDACTED]

IV.	THE TRIAL-AND-ERROR COMPLEXITY OF MAKING THERAPEUTIC ANTIBODIES.....	74
V.	THE PATENTS-IN-SUIT .....	107
A.	Shared Specification of the Patents-in-Suit .....	107
B.	Claims of the '045 Patent.....	137
C.	Claims of the '907 Patent.....	140
D.	Claims of the '908 Patent.....	145
VI.	A PERSON OF ORDINARY SKILL IN THE ART.....	150
VII.	SCOPE OF THE CLAIMS .....	151
VIII.	[REDACTED] ..	157
IX.	LILLY'S [REDACTED] DEVELOPMENT OF EMGALITY® (GALCANEZUMAB) .....	181
X.	NO PRIOR EXPERIENCE WITH THE CLAIMED ANTIBODIES IN THIS NEW FIELD .....	205
XI.	TEVA EXPERTS' ENABLEMENT ANALYSIS .....	250
XII.	OTHER ASSERTED CLAIMS.....	253

**TABLE OF ABBREVIATIONS**

<b>Short Cite</b>	<b>Description &amp; Other Names/References</b>
'045 patent	<b>Patent-in-suit.</b> U.S. Patent No. 8,586,045 to Joerg Zeller et al., issued November 19, 2013, entitled "Methods of Using Anti-CGRP Antagonist Antibodies" currently assigned to Teva Pharmaceuticals International GmbH
'210 patent	U.S. Patent No. 9,890,210 to Joerg Zeller et al., issued February 13, 2018, entitled "Antagonist Antibodies Directed Against Calcitonin Gene-Related Peptide" currently assigned to Teva Pharmaceuticals International GmbH
'211 patent	U.S. Patent No. 9,890,211 to Joerg Zeller et al., issued February 13, 2018, entitled "Antagonist Antibodies Directed Against Calcitonin Gene-Related Peptide" currently assigned to Teva Pharmaceuticals International GmbH
'614 patent	U.S. Patent No. 9,340,614 to Joerg Zeller et al., issued May 17, 2016, entitled "Antagonist Antibodies Directed Against Calcitonin Gene-Related Peptide and Methods Using Same" currently assigned to Teva Pharmaceuticals International GmbH
'649 patent	U.S. Patent No. 8,597,649 to Joerg Zeller et al., issued December 3, 2013, entitled "Antagonist Antibodies Directed Against Calcitonin Gene-Related Peptide and Methods Using Same" currently assigned to Teva Pharmaceuticals International GmbH
'881 patent	U.S. Patent No. 9,346,881 to Joerg Zeller et al., issued May 24, 2016, entitled "Antagonist Antibodies Directed Against Calcitonin Gene-Related Peptide and Methods Using Same" currently assigned to Teva Pharmaceuticals International GmbH
'907 patent	<b>Patent-in-suit.</b> U.S. Patent No. 9,884,907 to Joerg Zeller et al., issued February 6, 2018, entitled "Methods for Treating Headache Using Antagonist Antibodies Directed Against Calcitonin Gene-Related Peptide" currently assigned to Teva Pharmaceuticals International GmbH
'908 patent	<b>Patent-in-suit.</b> U.S. Patent No. 9,884,908 to Joerg Zeller et al., issued February 6, 2018, entitled "Methods for Treating Headache Using Antagonist Antibodies Directed Against Calcitonin Gene-Related Peptide" currently assigned to Teva Pharmaceuticals International GmbH
'951 patent	U.S. Patent No. 9,266,951 to Joerg Zeller et al., issued February 23, 2016, entitled "Antagonist Antibodies Directed Against Calcitonin Gene-Related Peptide and Methods Using Same" currently assigned to Teva Pharmaceuticals International GmbH
Abdiche Decl.	Declaration of Yasmina Abdiche, Ph.D. in support of Teva's Oppositions to Lilly's Motions for Summary Judgment of Invalidity for (1) Lack of Enablement, and (2) Lack of Written Description
Abdiche Tr.	Transcript of deposition of Yasmina Noubia Abdiche, named inventor of the patents-in-suit, dated August 17, 2021

Short Cite	Description & Other Names/References
BBB	Blood-brain barrier
Berkman Op.	Expert Report of Mark P. Berkman, on behalf of Teva, served September 16, 2021
Bigal Tr.	Transcript of deposition of fact witness Marcelo Eduardo Bigal, defended by Teva counsel, dated June 10, 2021
Blake Op.	Opening Expert Report of Pamela Blake, M.D., FAHS, Regarding Infringement, on behalf of Teva, served September 16, 2021
Blake Reply	Reply Expert Report of Pamela Blake, M.D., FAHS, Regarding Infringement, on behalf of Teva, served December 7, 2021
Blake Tr.	Transcript of deposition of expert Pamela Blake, M.D., FAHS, on behalf of Teva, dated January 10, 2022
Blumenfeld Resp.	Responsive Expert Report of Andrew Blumenfeld, M.D. Regarding Validity, on behalf of Teva, served November 1, 2021
Blumenfeld Tr.	Transcript of deposition of expert Andrew Blumenfeld, M.D., on behalf of Teva, dated January 26, 2022
CGRP	Calcitonin Gene-Related Peptide
Charles Op.	Opening Expert Report of Dr. Andrew Charles Regarding Invalidity of U.S. Patent Nos. 8,586,045, 9,884,907, and 9,884,908, on behalf of Lilly, served September 16, 2021
Charles Reb.	Rebuttal Expert Report of Dr. Andrew Charles Regarding Noninfringement, on behalf of Lilly, served November 1, 2021
Charles Reply	Reply Expert Report of Dr. Andrew Charles Regarding Invalidity of U.S. Patent Nos. 8,586,045, 9,884,907, and 9,884,908, on behalf of Lilly, served December 7, 2021
ECF No.	Documents from the public docket filed through the CM/ECF system. Unless otherwise noted, citations are to the public docket of Case No. 1:18-cv-12029-ADB, D. Mass.
Ex.	Exhibits to concurrently-filed Attorney Declaration
FDA	Food and Drug Administration
Ferrari Decl.	Declaration of expert Dr. Michel D. Ferrari, M.D., Ph.D. on behalf of Teva, filed July 3, 2019 in IPR2018-01710, <i>Eli Lilly &amp; Co. v. Teva Pharms. Int'l GmbH</i>
Foord Decl.	Declaration of expert Steven M. Foord, Ph.D., on behalf of Teva, filed July 3, 2019 in IPR2018-01710, <i>Eli Lilly &amp; Co. v. Teva Pharms. Int'l GmbH</i>
Foord Tr.	Transcript of deposition of expert Steven M. Foord, Ph.D., on behalf of Teva, dated September 27, 2019
FWD	Final Written Decision in an <i>Inter Partes</i> Review proceeding before the United States Patent and Trademark Office Patent Trial and Appeal Board
Hale Resp.	Responsive Expert Report of Geoffrey Hale, Ph.D., Regarding Validity, on behalf of Teva, served November 1, 2021

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