Filed: August 7, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS II LLC Petitioner

V.

NPS PHARMACEUTICALS, INC.
Patent Owner

Case IPR2015-01093 Patent 7,056,886

PATENT OWNER'S PRELIMINARY RESPONSE



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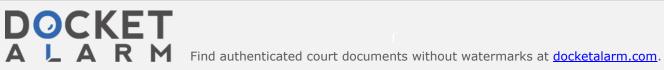


TABLE OF EXHIBITS

Ex. No.	Description			
2001	NPS Pharmaceuticals, Inc.'s Requests for Production to Petitioner			
2002	NPS Pharmaceuticals, Inc.'s Interrogatories to Petitioner			
2003	NPS Pharmaceuticals, Inc.'s Topics for Examination of Petitioner			
2004	General Hedge Fund Structure & Regulation			
2005	RPI Diagram			
2006	Form ADV Brochure of HCM (Mar. 30, 2015)			
2007	Form ADV of HCM (Mar. 30, 2015)			
2008	Annual Report of HCM (July 8, 2013)			
2009	Amended Form D of HCOP (May 12, 2014)			
2010	Amended Form D of HCP (May 12, 2014)			
2011	Credes Onshore Form D (Jan. 14, 2015)			
2012	Credes Onshore Delaware Secretary of State Website Printout			
2013	HCMF Cayman Islands Search Report			
2014	Credes Offshore Form D (Jan. 14, 2015)			
2015	Credes Offshore Caymans Search Report			
2016	Form D of HOF (April 9, 2015)			
2017	Certificate of Formation of IPNav (Nov. 13, 2007)			
2018	Certificate of Formation of nXnP (Sept. 24, 2014)			
	Ed Silverman, Innovate or Else: Kyle Bass Strikes Again and Challenges			
2019	Shire Patents, Wall Street Journal (April 2, 2015)			
	Robert Cyran, Kyle Bass Wields New Weapon in Challenging Drug			
2020	Makers, The New York Times (February 11, 2015)			
	Joseph Walker and Rob Copeland, New Hedge Fund Strategy: Dispute the			
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2023	Pharma and Its "BS Patents," Business Insider Australia (Jan. 8, 2015)			
2021	Delaware Secretary of State Business Entity Search Printout for Coalition			
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2025	Cayman Islands Search Report of HOM			
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2027	GATTEX® Product Label			
2025	Lehninger <i>et al.</i> , Principles of Biochemistry, 2 nd ed., Chapters 5-7 & 18, pp.			
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No.		
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2029	410 (1995)	
2030	Purves et al., Life: The Science of Biology, 3 rd ed., Ch. 3, pp. 40-59 (1992)	
2031	NPS Pharmaceuticals, Inc. Form10-K 2014	
2032	Email from Jeff Blake to Counsel for Patent Owner	
2033	Declaration of Christopher E. Kirkpatrick	
2034	Declaration of Erich Spangenberg	
	The Wall Street Journal – New Hedge Fund Strategy: Challenge the Patent,	
2035	Short the Stock	
	The Wall Street Journal – Innovate or Else: Kyle Bass Strikes Again and	
2036	Challenges Shire Patents	
2037	Hayman Capital Management, L.P. Form ADV Part 2A Brochure	
	Brubaker and Drucker, Structure-Function of the Glucagon Receptor	
	Family of G-Protein Coupled Receptors: The Glucagon, GIP, GLP-1, and	
2038	GLP-2 Receptors, Receptors and Channels, vol. 8, pp. 179-188 (2002)	
	Chaturvedi, A Report on Stability of Polypeptides and Proteins, Birla	
2039	Institute of Technology and Science Pilani (Rajasthan) (August 2009)	
	Vassilatis et al., "The G protein-coupled receptor repertoires of human and	
2040	mouse", Proc Natl Acad Sci USA 100 (8): 4903–4908 (2003)	



Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107, Patent Owner NPS Pharmaceuticals, Inc. ("NPS" or "Patent Owner") submits this Patent Owner's Preliminary Response ("Response") to the Petition for *Inter Partes* Review of U.S. Patent No. 7,056,886 ("Petition") filed by Coalition for Affordable Drugs II LLC ("Petitioner"). Petitioner requests an *inter partes* review ("IPR") of certain claims of U.S. Patent No. 7,056,886 ("the '886 patent"). The Response is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107; it is filed within three months of the mailing date of the May 7, 2015, Notice of Filing Date Accorded to Petition (Paper 6).

I. Introduction

The inventor of the '886 patent discovered GLP-2/GLP-2 analog formulations "exhibiting superior stability following storage and/or exposure to elevated temperatures." Ex. 1003, Abstract. The challenged claims (claims 1-45) are directed to formulations of GLP-2 or an analog that are stabilized with L-histidine. The Petition should be denied because:

- 1 it asserts substantially the same grounds of unpatentability that were asserted by the Examiner during prosecution and were overcome by Patent Owner;
- 2 it does not rebut the arguments made during prosecution by the Patent Owner that successfully overcame these same rejections;



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