Paper No. 53
Filed: May 27, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS VI LLC,

PETITIONER,

V.

CELGENE CORPORATION,

PATENT OWNER

Case No.: IPR2015-01102
Patent No. 6,315,720

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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I. INTRODUCTION

The Board instituted this IPR proceeding because Petitioner established a reasonable likelihood in prevailing on its assertions that claims 1–32 of U.S. Patent 6,315,720 ("'720 patent") (Ex. 1001) are invalid as obvious. Patent Owner Celgene Corporation's ("Celgene") Response (Paper No. 42; "POR") has failed to rebut Petitioner's strong case of obviousness that the claims of the '720 patent (Ex. 1001) are obvious over *Mitchell* and *Dishman* in view of *Cunningham* and further in view of *Mundt*, *Mann*, *Vanchieri*, *Shinn*, *Linnarsson*, *Grönroos*, *Soyka*, *Hamera*, *Kosten*, and *Menill* (collectively, the "Ground 1 references").

In their responses to the Petition, Celgene and its experts applied the wrong analysis at every step. *First*, it is clear from the testimony of their experts that Celgene failed to offer any testimony from an appropriate POSA—***both*** experts testified that the person of ordinary skill in the art ("POSA") each used in their analysis would be unable to design the claimed methods of the '720 patent.

Second, Celgene and its experts applied the wrong standard for claim construction, ignoring the plain disclosures of the specification in favor of misconstruing arguments in the file history.

Third, Celgene proceeds through its obviousness analysis as if each prior art reference must literally disclose each and every limitation of the claims—ignoring the teachings, suggestions, and motivations in the art that render those claims

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