

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT AND TRIAL APPEAL BOARD

[INSERT NAME OF PETITIONER]

Petitioner

v.

CELGENE

Patent Owner

Case IPR2013-

Patent 6,315,720

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 6,315,720
UNDER 35 USC §§ 311-319 AND 37 CFR §42.100 ET SEQ.**

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Other Authorities

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