UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

PHARMACOSMOS A/S,
Petitioner,

v.

LUITPOLD PHARMACEUTICALS, INC.,
Patent Owner.

_____

IPR2015-01490; Patent 7,754,702 B2

MOTION TO AMENDED

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

I. STATEMENT OF RELIEF REQUESTED 1
A. Grounds 1, 4, or 5 1
B. Ground 3 1
C. Ground 2 2
II. AMENDMENTS 2
A. Claim Listing 3
B. Nature and Scope of Amendments 5
1. Substitute Claims 5
2. Canceled Claims 7
III. PATENTABILITY OF THE AMENDED CLAIMS 9
A. Person of Ordinary Skill in the Art ("POSITA") 9
B. Written Support 10
C. Prior Art 12
1. Geisser 14
2. van Zyl-Smit, Funk, and Other Polymaltose Related Art 14
3. Groman and Other Ferumoxytol Related Art 16
4. Kudasheva 17
5. Vance 17
6. Restless Leg Syndrome Related Art 18

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

7. Marchasin and Other Dextran Related Art 19

8. Other Art of Record 20

9. Combinations of the Above Cited Art 21

IV. CONCLUSION.....21

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF AUTHORITIES

CASES

In re Abbott Diabetes Care Inc., 696 F.3d 1142 (Fed. Cir. 2012).....19

In re Johnson, 558 F.2d 1008 (CCPA 1977) 11

Masterimage 3D, Inc. v. RealD, Inc., IPR2015-00040 (PTAB July 15, 2015).....12

Nike v Adidas AG, No. 2014-1719 (Fed. Cir. February 11, 2016). 13

Pharmacosmos A/S v. Luitpold Pharmaceuticals Inc., IPR 2015-01493 (PTAB January 8, 2016; February 26, 2016) 17

Pharmacosmos A/S v. Luitpold Pharmaceuticals Inc., IPR 2015-01495 (PTAB January 8, 2016)..... 4, 16

Santarus, Inc. v. Par Pharmaceutical, Inc. 694 F. 3d 1344 (Fed. Cir. 2012) 11

STATUTES

35 § U.S.C. 112 8

35 U.S.C. § 316(d) 1, 3, 5

37 C.F.R. § 1.321(a).....2

37 C.F.R. § 42.121 ..... 1, 2, 3, 5, 6, 7

37 C.F.R. § 42.20(c).....13

37 C.F.R. § 42.22(a)(2) 1

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

EXHIBITS RELIED UPON

Exhibit No.	Description
1001	U.S. Patent No. 7,754,702 ("the '702 patent")
1002	WO 2004/037865 ("Geisser")
1003	WO 2004/037865 (English translation) ("Geisser")
1004	U.S. Publication No. 2003/0232084 ("Groman")
1005	Declaration of Dr. Robert Linhardt
1006	van Zyl-Smit et al. Nephron 92:316-323 (2002) ("van Zyl-Smit")
1007	Prosecution History of the '702 patent
1009	U.S. Publication No. 2004/0180849 ("Helenek")
1011	Spinowitz et al. Kidney Int'l 68:1801-1807(2005) ("Spinowitz")
1014	U.S. Patent No. 7,612,109
1017	U.S. Patent No. 6,599,498 ("the '498 patent")
1026	Funk et al. Hyperfine Interactions 136:73-95(2001) ("Funk")
1031	U.S. Patent No. 3,100,202 ("Mueller")
1034	U.S. Patent No. 5,541,158 ("Vance")
1047	Marchasin et al. Blood 23(3):354-358(1964) ("Marchasin")
1049	Geisser et al. Areneim. Forsch./Drug Res. 41(II)(12):1439-1452 (1992) ("Geisser paper")
2005	Prosecution History of the '549 patent
2012	Fishbane, Am. J. Kidney Dis. 41(5 Suppl):18-26 (2003) ("Fishbane")
2013	Cisar et al. J. Exp. Med. 142(1):435-459 (1975) ("Cisar")

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.