

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHARMACOSMOS A/S,
Petitioner,

v.

LUITPOLD PHARMACEUTICALS, INC.,
Patent Owner.

Cases¹ IPR2015-01490; Patent 7,754,702 B2
IPR2015-01493; Patent 8,431,549 B2

**PATENT OWNER
ORAL HEARING DEMONSTRATIVES**

¹ The word-for-word identical paper is being filed in each proceeding identified in the heading.

Date: September 15, 2016

Respectfully submitted,

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Grounds Instituted

U.S. Patent No. 8, 431,549 (IPR2015-01493)

#	Claim	Basis	Prior Art
2	1-5, 9, 16, 19	§ 102	van Zyl-Smit (Ex. 1004)
3,4	1, 12-14	§ 102	Groman (Ex. 1003)

U.S. Patent No. 7,754,702 (IPR2015-01490)

#	Claim	Basis	Prior Art
1	1-3, 10-13, 23, 25, 27, 41-43	§ 102	Geisser (Ex. 1003, English translation)
2	28	§ 102	Groman (Ex. 1004)
3	17,47	§ 103	Geisser (Ex. 1003), Groman (Ex. 1004)
4	1,14,15	§ 102	van Zyl-Smit (Ex. 1006)
5	30	§ 103	van Zyl-Smit (Ex. 1006), Funk (Ex. 1026)

Claim Construction

“substantially non-immunogenic carbohydrate component”

BOARD	PATENT OWNER	PETITIONER
<p>A carbohydrate component resulting in a “low risk of anaphylactoid/hypersensitivity reactions.” (Paper 11, IPR2015-10493, p. 7)</p>	<p>“low risk” requires:</p> <ul style="list-style-type: none"> - An incidence of adverse events lower than iron dextran (‘549 POR, pp. 6-7/’702 POR, pp. 7-8) - A large enough cohort (‘549 POR pp. 7-9/’702 POR, pp. 9-10) <p>Immunogenicity of the component should be considered in relation to the whole complex. (‘549 POPR, pp. 20-22/’702 POPR, pp. 19-23)</p> <p>“the specification guides a POSITA to identify a carbohydrate component that is substantially non-immunogenic, and use it in a complex with iron.” (‘549 Reply to POR, p. 10/’702 Reply to POR, pp. 9-10)</p>	<p>A carbohydrate component resulting in a “low risk of anaphylactoid/hypersensitivity reactions.” (‘549 Pet, p. 20/’702 Pet, p. 13)</p> <p>Disagrees with Patent Owner, but provides no alternative definition of “low risk”. (‘549 Reply to POR, pp. 8-12/’702 Reply to POR, pp. 8-11)</p>

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