

Case IPR2015-01554  
Patent No. 8,729,094  
Petition for *Inter Partes* Review  
Attorney Docket No. REDDY 7.1R-011

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

DR. REDDY'S LABORATORIES, LTD. and  
DR. REDDY'S LABORATORIES, INC.  
Requestors

v.

HELSINN HEALTHCARE S.A. and ROCHE PALO ALTO LLC  
Patent Owner

Patent No. 8,729,094  
Issue Date: May 20, 2014  
Title: LIQUID PHARMACEUTICAL FORMULATIONS OF PALONOSETRON

---

*Inter Partes* Review No. IPR2015-01554

---

**CORRECTED PETITION FOR *INTER PARTES* REVIEW OF  
CLAIMS 22-27 AND 30 OF U.S. PATENT NO. 8,729,094  
AND MANDATORY NOTICES UNDER 37 C.F.R. § 42.8**

**TABLE OF CONTENTS**

	Page
TABLE OF AUTHORITIES .....	iii
EXHIBIT LIST .....	iv
STATEMENT OF REASONS FOR RELIEF REQUESTED.....	5
I. INTRODUCTION AND SUMMARY OF ARGUMENT.....	5
II. THE CLAIMS UNDER CONSIDERATION .....	7
III. THE SPECIFICATION AND PROSECUTION HISTORY OF THE ‘094 PATENT.....	8
A. The Specification Of The ‘094 Patent .....	8
B. The Prosecution History Of The ‘094 Patent .....	10
IV. CLAIM CONSTRUCTION .....	13
A. Optionally .....	14
B. Acute And Delayed.....	15
C. Chelating Agent .....	15
V. CLAIMS 22-27 AND 30 OF THE ‘094 PATENT WOULD HAVE BEEN OBVIOUS OVER CHELLY (EXH.1012) WHEN TAKEN IN VIEW OF TANG (EXH.1019), GANDARA (EXH.1027), AVIS (EXH.1050), AND THE <i>2001 PHYSICIANS’ DESK REFERENCE</i> (EXHS.1015-1017).....	16
A. The Level Of Ordinary Skill In The Art.....	18
B. Scope And Content Of The Prior Art .....	20
1. The “Treatment” Limitations Of Claim 22.....	20
a. Background.....	20
b. Chelly.....	23

c.    Tang .....	24
d.    Chelly And Tang Combined.....	28
2.    Dose Adjustments .....	31
3.    A POSA’s Use Of Data To Select A Dose .....	32
4.    The Product Recitations Of The Claims .....	35
C.    Differences Between The Claims And The Prior Art.....	44
D.    Dependent Claims.....	51
1.    Claim 23 .....	51
2.    Claim 24 .....	51
3.    Claim 25 .....	52
4.    Claim 26 .....	53
5.    Claim 27 .....	54
6.    Claim 30.....	54
E.    Claim Chart.....	55
VI.  CONCLUSION.....	58

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>CASES</b>	
<i>3M v. Chemque, Inc.</i> , 303 F.3d 1294 (Fed. Cir. 2002) .....	18
<i>In re Aller</i> , 220 F.2d 454 (C.C.P.A. 1955) .....	45, 48
<i>Asyst Techs. Inc. v. Emtrak, Inc.</i> , 544 F.3d 1310 (Fed. Cir. 2008) .....	46
<i>Atlas Powder Co. v. E. I. Du Pont de Nemours &amp; Co.</i> , 750 F.2d 1569 (Fed. Cir. 1984) .....	33
<i>In re Baxter Travenol Labs.</i> , 952 F.2d 388 (Fed. Cir. 1991) .....	45
<i>In re Cuozzo Speed Techs., LLC</i> , No. 2014-1301, Slip. Op. (Fed. Cir. Feb. 4, 2015) .....	13
<i>Ericsson Inc. v. Intellectual Ventures II, LLC</i> , IPR 2014-01412 (PTAB Mar. 18, 2015) .....	15
<i>Galderma Labs., L.P. v. Tolmar, Inc.</i> , 737 F.3d 731 (Fed. Cir. 2013) .....	17, 45
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966) .....	16
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007) .....	16, 17
<i>In re Merck &amp; Co.</i> , 800 F.2d 1091 (Fed. Cir. 1986) .....	33
<i>Mintz v. Dietz &amp; Watson, Inc.</i> , 679 F.3d 1373, 1376 (Fed. Cir. 2012) .....	18

Case IPR2015-01554  
Petition for *Inter Partes* Review  
Attorney Docket No. REDDY 7.1R-011

<i>Oracle Corp. v. Thought, Inc.</i> , IPR 2014-00118 (PTAB Apr. 25, 2014) .....	14
<i>Par Pharm. Inc. v. TWI Pharms., Inc.</i> , 773 F.3d 1186, No. 2014-1391, 2014 U.S. App. LEXIS 22737 (Fed. Cir. Dec. 3, 2014).....	17
<i>Univ. of Rochester v. G.D. Searle &amp; Co.</i> , 249 F. Supp. 2d 216 (W.D.N.Y. 2033).....	20
<i>Takeda Pharm. Co. v. Mylan Inc.</i> , Case No. 13-4001, 2014 U.S. Dist. LEXIS 159527 (N.D. Cal. Nov. 11, 2014).....	20
<i>Warner Chilcott Co., LLC v. Lupin Ltd</i> , Civ. Action Nos. 11-5048, 12-2928, 2014 U.S. Dist. LEXIS 6228 (D.N.J. Jan. 17, 2014).....	19

**STATUTES, RULES & OTHER AUTHORITIES**

35 U.S.C. § 102 .....	<i>passim</i>
35 U.S.C. § 103 .....	4, 5, 11, 17
37 C.F.R. § 42.100(b) .....	13

# 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.