UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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BIOGEN MA INC.
Junior Party
Patent 8,399,514 B2,

v.

FORWARD PHARMA A/S
Senior Party
Application 11/576,871.

_____

Patent Interference No. 106,023 (McK)
Technology Center 1600

_____

Before: Fred E. McKelvey, *Administrative Patent Judge*.

FIRST REDECLARATION
37 C.F.R. § 41.203(c)

As a result of a decision on Biogen Motion 5 (Paper 177), the interference is redeclared.

Changes to the interference as initially declared (Paper 1) are shown in brackets (for material added) and in strikeout (for material deleted) vis-à-vis the initial declaration. The footnotes in the original declaration and discussion
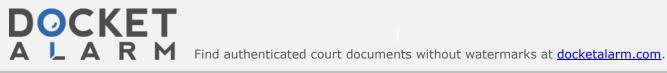
concerning exhibits and settlement discussion (which continue to apply) are not repeated.

All times for taking action in the interference continue to run.

1   **Part E. Identification and order of the parties**
2

3   <u>Junior Party</u>

4   Named Inventors: Matvey E. Lukashev, Tewksbury, MA
5   Gilmore O'Neill, Medford, MA

6   Involved Patent: U.S. Patent 8,399,514 B2
7   Granted 19 Mar. 2013,
8   based on application 13/372,426
9   filed 13 Feb. 2012

10   Published: U.S. Patent Application Publication
11   2012/0196931 A1 (2 August 2012)

12   Title: Treatment for Multiple Sclerosis

13   Assignee: Biogen ~~Idee~~ MA, Inc.

1		<u>Senior Party</u>
2	Named Inventors:	Henrick Nilsson, Copenhagen, DK
3		Florian Schoenharting, Coppenhagen, DK
4		Bernd W. Mueller, Flinbek, DE
5		Joseph R. Robinson, Madison, WI (US) (deceased)
6	Involved Application:	Application 11/576,871,
7		Filed 30 January 2009
8	Published:	U.S. Patent Application Publication
9		2009/0304790 A1 (10 December 2009)
10	Republished:	U.S. Patent Application Publication
11		2014/0099364 A2 (10 April 2014)
12	Title:	Controlled Release Pharmaceutical Composition
13		Comprising a Fumaric Acid Ester
14	Assignee:	~~Aditech~~ [Forward] Pharma A/S
15		

Part F. Count and claims of the parties

<div align="center">Count 1</div>

A method of treating a human in need of treatment for multiple

sclerosis comprising

  orally administering to the human a pharmaceutical

composition consisting essentially of

   (a) a therapeutically effective amount of dimethyl fumarate,

monomethyl fumarate, or a combination thereof, and

   (b) one or more pharmaceutically acceptable excipients,

1   wherein the therapeutically effective amount of dimethyl

2   fumarate, monomethyl fumarate, or a combination thereof is about

3   480 mg per day.

4   The claims of the parties are:

5   Biogen: 1–20

6   Forward: 55–70

7   The claims of the parties which correspond to Count 1 are:

8   Biogen: 1–20

9   Forward: 55–70

10   The claims of the parties which do *not* correspond to Count 1are:

11   Biogen: None

12   Forward: None

1		The parties are accorded the following benefit for Count 1:
2	Biogen:	Application 12/526,296
3		filed 13 January 2011
4		PCT US2008/001602
5		filed 7 February 2008
6		~~Provisional Application 60/888,921~~
7		~~filed 8 February 2007~~
8	Forward:	PCT/DK05/00648
9		Filed 7 October 2005
10		Danish application PA2004 01546,
11		Filed 8 October 2004
12		

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