

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STEADYMED LTD.,

Petitioner,

v.

UNITED THERAPEUTICS CORPORATION

Patent Owner.

Case IPR2016-00006

Patent No. 8,497,393

PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY

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Pursuant to the Board's February 11, 2016, email in the above-captioned case, Petitioner SteadyMed hereby submits the Federal Circuit's February 1, 2016 Opinion in notice of supplemental authority pertaining to the decision in *Purdue Pharma L.P. v. Epic Pharma, LLC*, No. 2014-1294, 2016 WL 380174 (Fed. Cir. Feb. 1, 2016), as Attachment A.

Date: February 11, 2016

Respectfully submitted,

/s/ Stuart E. Pollack /

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/s/ Lisa A. Haile /

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the attached Petitioner's Notice of Supplemental Authority was served via electronic mail to the following:

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Respectfully submitted,

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ATTACHMENT A

2016 WL 380174

Only the Westlaw citation is currently available.
United States Court of Appeals,
Federal Circuit.

PURDUE PHARMA L.P., the P.F. Laboratories,
Inc., Purdue Pharmaceuticals L.P., Rhodes
Technologies, Plaintiffs–Appellants

v.

[EPIC PHARMA, LLC](#), Defendant

Purdue Pharma L.P., the P.F. Laboratories, Inc.,
Purdue Pharmaceuticals L.P., Rhodes
Technologies, Plaintiffs–Appellants

v.

Mylan Pharmaceuticals Inc., Mylan Inc.,
Defendants–Appellees

Purdue Pharma L.P., the P.F. Laboratories, Inc.,
Purdue Pharmaceuticals L.P., Rhodes
Technologies, Grunenthal GMBH,
Plaintiffs–Appellants

v.

Amneal Pharmaceuticals, LLC,
Defendant–Appellee

Grunenthal GMBH, Purdue Pharma L.P., the P.F.
Laboratories, Inc., Purdue Pharmaceuticals L.P.,
Rhodes Technologies, Plaintiffs–Appellants

v.

Teva Pharmaceuticals USA, Inc.,
Defendant–Appellee.

Nos. 2014–1294, 2014–1307, 2014–1313,
2014–1296, 2014–1311, 2014–1314, 2014–1306,
2014–1312.

|
Feb. 1, 2016.

Synopsis

Background: Patent owner brought action against manufacturer of generic pharmaceutical products, alleging infringement of patents reciting improved formulation of oxycodone and patents claiming technology making tablets resistant to abuse. Following bench trial, the [United States District Court for the Southern District of New York, Sidney H. Stein, J., 994 F.Supp.2d 367](#), found patents infringed and invalid as anticipated by or obvious over the prior art. Patent owner appealed.

Holdings: The Court of Appeals, [Prost](#), Chief Judge, held that:

^[1] claims reciting oxycodone active pharmaceutical ingredient (API) product with low alpha, beta unsaturated ketone (ABUK) levels were invalid for obviousness, and

^[2] patent covering abuse-resistant formulations was anticipated by prior art reference.

Affirmed.

West Headnotes (10)

^[1] **Patents**

🔑 Single reference disclosing every element or limitation of claim

A patent is invalid for anticipation if a single prior art reference discloses each and every limitation of the claimed invention. [35 U.S.C.A. § 102](#).

[Cases that cite this headnote](#)

^[2] **Patents**

🔑 Inherent anticipation

A single prior art reference may anticipate without disclosing a feature of the claimed invention if such feature is necessarily present, or inherent, in that reference. [35 U.S.C.A. § 102](#).

[Cases that cite this headnote](#)

^[3] **Patents**

🔑 Questions of law or fact

Obviousness is a legal conclusion based on underlying facts. [35 U.S.C.A. § 103\(a\)](#).

[Cases that cite this headnote](#)

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