

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Mr. J Kyle Bass and Mr. Erich Spangenberg,
Petitioners

v.

ALPEX PHARMA
Patent Owner

Patent No. 8,440,170
Issued: May 14, 2013
Filed: PCT January 30, 2009
Inventors: F. Stroppolo and S. Ardalan
Title: "Orally Disintegrating Tablets with Speckled Appearance"

Inter Parties Review No.— IPR2016-00245

RESPONSE TO NOTICE OF FILING DATE ACCORDED TO
PETITION

Petitioners Mr. J Kyle Bass and Mr. Erich Spangenberg hereby correct the defects identified in the Notice Of Filing Date Accorded to Petition (“the Notice”).

The Notice identified the following defects:

The petition’s claim charts improperly contain argument. On page 21 of the petition, the claim chart states: “[T]he ‘blue colored mannitol inclusions’ were commercially available at the time of the invention and known to be useful as claimed. (Ex. 1002, ¶ 16).” Exhibit 1002 is a declaration

All of the exhibits do not contain page numbering.

In response, Petitioner hereby provides a correct petition with the objectionable sentence removed from the claim chart and corrected exhibits with the required page numbers.

Petitioner respectfully submits that the defects are now corrected.

Date: December 4, 2015

Respectfully Submitted,

By: /Gregory Gonsalves/
Dr. Gregory Gonsalves
Reg. No. 43,639
2216 Beacon Lane
Falls Church, Virginia 22043
(571) 419-7252
gonsalves@gonsalveslawfirm.com

CERTIFICATE OF SERVICE

Under 37 C.F.R. §§ 42.6(e), this is to certify that I caused a true and correct copy of the foregoing materials:

- Response to Notice Of Filing Date Accorded To Petition
- Corrected Petition for Inter Partes Review of U.S. Patent No. 8,440,170

Under 35 U.S.C. § 312 and 37 C.F.R. § 42.104

- Corrected Exhibits 1001-1016

to be served via Express Mail on the following attorneys of record as listed in PAIR:

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON DC 20005
Customer Number:6449

Date: December 4, 2015

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By: /Gregory Gonsalves
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