

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMNEAL PHARMACEUTICALS LLC  
Petitioner

v.

JAZZ PHARMACEUTICALS, INC.  
Patent Owner

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Case IPR: Unassigned  
Patent: 8,772,306

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**PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,772,306**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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## **I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED**

Anneal Pharmaceuticals LLC (“Petitioner”) submits this Petition for Inter Partes review (“IPR”) seeking cancellation of claims 1-34 of U.S. Patent Number 8,772,306 (“the ’306 patent”) (AMN1001) as unpatentable under 35 U.S.C. §103(a) in view of the prior art. Jazz Pharmaceuticals, Inc. and Jazz Pharmaceuticals Ireland Limited (collectively, “Jazz”) have represented that they are the patent owners for the ’306 patent. *See* IPR2016-00024, Paper No 7. (Oct. 28, 2015). Jazz Pharmaceuticals, Inc. has represented itself as the exclusive licensee of the ’306 patent. (*Id.*).

As explained below, Petitioner is at least reasonably likely to prevail on each asserted Ground with respect to the challenged claims. Accordingly, Petitioner respectfully requests that the Board institute IPR and cancel each of challenged claims 1-34 of the ’306 patent.

## **II. GROUNDS FOR STANDING**

In accordance with 37 C.F.R. § 42.104(a), Petitioner certifies that the ’306 patent is available for IPR and Petitioner is not barred or estopped from requesting IPR of any of the challenged claims.

## **III. THRESHOLD REQUIREMENT FOR INTER PARTES REVIEW**

Pursuant to 35 U.S.C. § 314(a), this petition, supported by the Declaration of Dr. John R. Horn, Pharm.D., F.C.C.P. (AMN1003), sufficiently demonstrates that

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