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Filed on behalf of: Aventis Pharma S.A.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN LABORATORIES LIMITED
Petitioner,
v.
AVENTIS PHARMA S.A.
Patent Owner.

Case IPR2016-00712
U.S. Patent No. 8,927,592

PATENT OWNER'S CONTINGENT MOTION TO AMEND

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I. Introduction

Aventis Pharma, S.A. moves pursuant to 37 C.F.R. § 42.121 to amend U.S. Patent No. 8,927,592 contingent upon the outcome of the instituted Grounds of IPR2016-00712. If original Claim 27 is found unpatentable, the Board is requested to replace it with proposed substitute Claim 31. If original Claim 28 is found unpatentable, the Board is requested replace it with proposed substitute Claim 32. If original Claim 29 is found unpatentable, the Board is requested to replace it with proposed substitute Claim 33. If original Claim 30 is found unpatentable, the Board is requested to replace it with proposed substitute Claim 34. *See* 37 C.F.R. § 42.22(a)(2); 35 U.S.C. § 316(d).

II. Claim Listing

A complete listing of the proposed claim amendments is provided in Appendix 1 hereto. No more than one substitute claim is proposed for each canceled claim. 37 C.F.R. § 42.121(a)(3). The proposed substitute claims add elements to the claims and do not remove any limitations; therefore they are not broader than the original claims. 35 U.S.C. § 316(d)(3); 37 C.F.R. § 42.121(a)(2).

Claim 31 has been amended so that the preamble (now a "method of increasing survival") is a limitation of the claim. Claim 31 still requires administering a dose of 20-25 mg/m^2 of cabazitaxel, or hydrate or solvate thereof, in combination with prednisone or prednisolone to a patient with hormone-

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