

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KOIOS PHARMACEUTICALS LLC,
Petitioner

v.

MEDAC GESELLSCHAFT FUER KLINISCHE
SPEZIALPRÄPARATE MBH,
Patent Owner

Case No. IPR2016-01370
Patent Number 8,664,231

Before JACQUELINE WRIGHT BONILLA, TONI R. SCHEINER,
and ERICA A. FRANKLIN, *Administrative Patent Judges*

PATENT OWNER'S SURREPLY
TO PETITIONER'S REPLY

Patent Owner medac Gesellschaft für Klinische Spezialpräparate mbH (“Medac”) files this Surreply to Petitioner’s September 18, 2017 Reply (Paper 37) to address certain arguments and supporting citations to Dr. Zizic’s Deposition Transcript (Ex. 1039) in that Reply. In a September 29, 2017 teleconference, the Board authorized this Surreply. October 4, 2017 Order (Paper 42)

Pursuant to the Board’s Order (Paper 42), Medac submits concurrently herewith the transcript of the September 29, 2017 teleconference and provides the following chart of the challenged Petitioner arguments and their citation to the Zizic deposition transcript. The left column of the chart provides the page and line numbers in Petitioner’s September 18, 2017 Reply at which Petitioner’s argument and citation to the Zizic transcript can be found, the middle column provides Petitioner’s citation to the Zizic transcript, and the right column provides Medac’s citation to the Zizic transcript. In those cases where Petitioner’s and Medac’s citations are the same, Medac respectfully requests that the Board consider the cited portion of the Zizic transcript in the context of Petitioner’s arguments in the left column.

Reply Page, Line	Petitioner’s Citation	Patent Owner’s Citation
2:3-6	114:15-22	114:15-22
2:6-10	119:10-122:6	119:10-122:18

Reply Page, Line	Petitioner's Citation	Patent Owner's Citation
2:12-16	114:23-115:2	114:23-115:2
4:7-9	108:24-109:4	106:11-109:24
4:15-5: [through block quote]	111:8-24	111:8-112:11
8:16-9: [through block quote]	114:23-115:2	114:23-115:2
9:1-3 [after block quote]	113:8-16	113:8-16
11, second paragraph of text, line 4 to 12:2	77:19-78:21	77:19-79:3
12:2-5	41:25-42:8	41:25-43:13
12:5-7	44:6-15 22:14-23:6	44:6-45:12 22:14-23:10
12:13-17	119:10-122:6	119:10-122:18
19:14-19	119:10-122:6	119:10-122:18
21:19-22:2	117:20-118:6 119:10-122:6	117:20-119:9 119:10-122:18
22:9-13	Section II.A.1, <i>supra</i> [citing 111:8-24]	111:8-112:11

Conclusion

Medac respectfully requests that, when the Board considers the cited portions of Petitioner's September 18, 2017 Reply (left column), it consider the citations to Dr. Zizic's deposition testimony (Ex. 1039) that Medac has provided above (right column).

Dated: October 5, 2017

Respectfully submitted,

HALEY GUILIANO LLP

/James F. Haley, Jr./

James F. Haley, Jr. (Lead Counsel)
75 Broad Street, Suite 1000
New York, NY 10004
T: 212-973-2502 / F: 646-219-6229
james.haley@hglaw.com

Attorneys/Agents For Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PATENT OWNER'S SURREPLY TO PETITIONER'S REPLY have been served in their entirety by filing this document through the Patent Trial and Appeal Board End to End (PTAB E2E), as well as providing courtesy copies via e-mail to the attorneys of record for the Petitioners listed below:

Lead Counsel:	DeAnn F. Smith, Reg. No. 36,683 Foley Hoag LLP 155 Seaport Blvd. Boston MA 02210-2600 T: 617-832-1230; F: 617-832-7000 dsmith@foleyhoag.com ipr2016-01370@foleyhoag.com
Back-up Counsel:	William Rothwell, Reg. No. 72,522 Noroozi PC 2245 Texas Dr. Suite 300 Sugar Land, TX 77479 T: 281-566-2685 ; F: 844-975-7074 william@noroozipc.com Kayvan B. Noroozi Noroozi PC 1299 Ocean Ave., Suite 450 Santa Monica, CA 90401 T.: 310-975-7074 kayvan@noroozipc.com

Dated: October 5, 2017

By: /Crena Pacheco/
Name: Crena Pacheco
ROPES & GRAY LLP