

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARO PHARMACEUTICALS U.S.A., INC.,
Petitioner,

v.

APOTEX TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2017-01446
Patent 7,049,328 B2

Before LORA M. GREEN, JEFFREY N. FREDMAN, and
ZHENYU YANG, *Administrative Patent Judges*.

FREDMAN, *Administrative Patent Judge*.

ERRATUM
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

An error was made in the claims identified as subject to the obviousness rejection in our Decision to Institute (Paper 7, 31, 34) and both pages are corrected to include claim 12 in the obviousness challenge as follows:

We correct page 31 to include claim 12 as follows:

H. Obviousness

Petitioner contends that claims 1, 2, 4–17, and 19 are unpatentable under 35 U.S.C. § 103(a) as obvious over each of MIMS 1998, Hoffbrand 1998, Olivieri abstract 1995, Agarwal 2000, and Olivieri 1995 in view of the knowledge of a person of ordinary skill in the art. Pet. 43–52.

We correct page 34 to include claim 12 as follows:

1. Analysis

Both Petitioner and Patent Owner address the prior art in the entirety, rather than separately addressing combinations of particular references, so we will do likewise. We find that the current evidence of record better supports Petitioner’s position that each of Hoffbrand 1998, Olivieri abstract 1995, and Olivieri 1995, in combination with the knowledge of the ordinary artisan, would have rendered claims 1, 2, 4–17, and 19 obvious. Petitioner has sufficiently demonstrated that these reference anticipate the claims. Thus, the claims are obvious.

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PETITIONER:

Huiya Wu
Robert V. Cerwinski
Sarah Fink
GOODWIN PROCTER LLP
hwu@goodwinlaw.com
rcerwinski@goodwinlaw.com
sfink@goodwinlaw.com

PATENT OWNER:

W. Blake Coblentz
Aaron S. Lukas
COZEN O'CONNOR
WCoblentz@cozen.com
ALukas@cozen.com