

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

APOTEX TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2017-01446
U.S. Patent No. 7,049,328

Title: USE FOR DEFERIPRONE

**PATENT OWNER APOTEX TECHNOLOGIES, INC.'S
REQUEST FOR REHEARING UNDER 37 C.F.R. § 42.71(c)**

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REGULATIONS

77 Fed. Reg. at 48,7638

Pursuant to 37 C.F.R. § 42.71(c), Patent Owner, Apotex Technologies, Inc. (“Patent Owner”), hereby submits the following Request for Rehearing in response to the Decision, Institution of *Inter Partes* Review of U.S. Patent No. 7,049,328 (“the Decision”) (Paper 7).

I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED

The Decision ordered review on six grounds of unpatentability: (i) claims 1, 2, 4-11, 13-17, and 19 as anticipated by Hoffbrand 1998; (ii) claims 1, 2, 4-11, 13-17, and 19 as anticipated by Olivieri Abstract 1995; (iii) claims 1, 2, 4-11, 13-17, and 19 as anticipated by Olivieri 1995; (iv) claims 1, 2, 4-17, and 19 as obvious over Hoffbrand 1998; (v) claims 1, 2, 4-17, and 19 as obvious over Olivieri Abstract 1995; and, (vi) claims 1, 2, 4-17, and 19 as obvious over Olivieri 1995. Patent Owner requests that the Patent Trial and Appeal Board (“the Board”) reconsider its decision to institute on all grounds in light of the governing law on inherency. *See, e.g., PNY Tech., Inc. v. Phison Elecs. Corp.*, IPR2013-00472, (PTAB April 23, 2014) (Paper 16) (granting-in-part a request for rehearing because the Board “misapplied the standard for inherency”). Patent Owner further requests that no trial be instituted on U.S. Patent No. 7,049,328 (“the ’328 patent”).

II. LEGAL STANDARDS

A request for rehearing “must specifically identify all matters the party

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