UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INITIATIVE FOR MEDICINES, ACCESS & KNOWLEDGE (I-MAK), INC.
Petitioner

v.

GILEAD PHARMASSET LLC
Patent Owner

_____

Case No. IPR2018-00119
U.S. Patent No. 7,964,580

_____

PETITION FOR *INTER PARTES* REVIEW

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I. INTRODUCTION

Initiative for Medicines, Access & Knowledge (I-MAK), Inc. ("Petitioner") requests *inter partes* review ("IPR") of all 14 claims of United States Patent No. 7,964,580 to Sofia et al. ("the '580 patent"; EX1001) under the provisions of 35 U.S.C. § 311, § 6 of the Leahy-Smith America Invents Act ("AIA"), and 37 C.F.R. § 42.100 et seq. The '580 patent issued on June 21, 201, and is currently assigned to Gilead Pharmasset LLC ("Patent Owner"). This petition demonstrates that all 14 claims of the '580 patent are unpatentable.

The '580 patent claims pharmaceutical compounds, compositions and methods that were already known and obvious in light of the prior art. Specifically, the '580 claims a specific prodrug form of a specific nucleoside compound, but that prodrug form of the nucleoside was already known as a result of being previously published at a scientific conference. In addition, the prodrug technique used was by Patent Owner was entirely conventional and the nucleoside compound to which Patent Owner applied the prodrug technique had been previously disclosed (and patented) by Patent Owner years before. Taking a known prodrug approach and applying it to a known nucleoside is not an invention. It's obvious.

Thus, the '580 patent's claims are unpatentable and should be cancelled.

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