

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

GILEAD PHARMASSET LLC
Patent Owner

Case No. IPR2018-00123
U.S. Patent No. 8,735,372

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 claims 1 and 2 of United States Patent No. 8,735,372 to Du et al. (“the ‘372 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 ‘372 patent issued on May 27, 2014, and is currently assigned to Gilead Pharmasset LLC (“Patent Owner”). This petition demonstrates that claims 1 and 2 are unpatentable.

The ‘372 patent claims methods that were obvious in light of the prior art. Specifically, the ‘372 claims a method of treating hepatitis C virus (“HCV”) with a combination of two nucleoside compounds, but both nucleoside compounds were known as a result of being previously published and combining the two classes of compounds was also known as a preferred method for treating HCV.

Thus, claims 1 and 2 of the ‘372 patent are unpatentable and should be cancelled.

II. MANDATORY NOTICES

A. Real Parties-in-Interest (37 C.F.R. § 42.8(b)(1))

The real parties-in-interest for this petition are Initiative for Medicines, Access & Knowledge (I-MAK), Inc., and the Laura and John Arnold Foundation.

B. Related Matters (37 C.F.R. § 42.8(b)(2))

Petitioner recently filed two petitions for *Inter Partes* Review of U.S. Patent No. 7,964,580 and two petitions for *Inter Partes* Review of U.S. Patent No. 8,333,270, both of which relate to the '372 patent. Case Nos. IPR2018-00119, -00120, -00121 and -00122. Petitioner is not aware of any other matter that would affect, or be affected by, a decision in this proceeding.

C. Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3))

Petitioner designates Daniel B. Ravicher (Reg. No. 47,015) as lead counsel. Petitioner is a not-for-profit public charity of limited resources and has been unable to retain back-up counsel. Petitioner respectfully requests that the Board exercise its authority under 37 C.F.R. § 42.5(b) to waive or suspend the requirement under 37 C.F.R. § 42.10 that Petitioner designate at least one back-up counsel.

D. Service Information (37 C.F.R. § 42.8(b)(4))

Papers concerning this matter should be served on the following:

Address: Daniel B. Ravicher
Ravicher Law Firm PLLC
2000 Ponce De Leon Blvd Ste 600
Coral Gables, FL 33134
Email: dan@ravicher.com
Telephone: 786-505-1205

Petitioner consents to service by email to dan@ravicher.com.

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