

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. IPR2018-00126
U.S. Patent No. 9,284,342

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 1-4 of United States Patent No. 9,284,342 to Ross et al. (“the ‘342 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 ‘342 patent issued on March 15, 2016, and is currently assigned to Gilead Pharmasset LLC (“Patent Owner”). This petition demonstrates that claims 1-4 of the ‘342 patent are unpatentable.

The ‘342 patent claims a pharmaceutical compound, composition and methods that were obvious in light of the prior art. Specifically, the ‘342 claims a particular crystalline form of a specific nucleoside compound that was already known, because it was the subject of a previous patent application by Patent Owner. In addition, investigating crystalline forms of a nucleoside compound to determine if one is more active was entirely conventional and expected. Identifying a specific crystalline form of a known nucleoside is not inventive, but obvious.

Thus, claims 1-4 of the ‘342 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 a petition for *Inter Partes* Review of U.S. Patent No. 8,633,309, which relates to the '342 patent. Case No. IPR2018-00125. 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:

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

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