UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIPLA LTD.,
Petitioner

v.

ABRAXIS BIOSCIENCE, LLC,
Patent Owner

Case IPR2018-00164
Patent 8,138,229 B2
Issued: March 20, 2012

Title: COMPOSITIONS AND METHODS OF DELIVERY OF PHARMACOLOGICAL AGENTS

PETITIONER'S REQUEST FOR REHEARING

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I. PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.71(c)–(d), Petitioner Cipla Ltd. ("Cipla") respectfully requests rehearing of the Board's decision (Paper No. 9, "Decision") denying institution of *inter partes* review of claims 1–48 ("challenged claims") of U.S. Patent No. 8,138,229 ("the '229 patent"). Petitioner details the basis for this Motion below, specifically identifying all matters Cipla believes "the Board misapprehended or overlooked" and "the place where each matter was previously addressed" in the Petition. 37 C.F.R. § 42.71(d). Petitioner requests that the Board grant rehearing and institute a trial on all challenged claims.[1]

II. BASIS FOR RELIEF

Cipla seeks rehearing on Grounds I (anticipation) and Grounds II and III (obviousness). These grounds rely on the disclosure in Desai[2], *as understood by a person of ordinary skill in the art* ("POSA"), to meet each claim's requirement that the "weight ratio of albumin to paclitaxel in the composition is about 1:1 to about 9:1" ("the disputed ratio limitation").

Cipla respectfully requests that the Board grant rehearing and institute the Petition because the Board misapprehended or overlooked that: (1) the Petition

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[1] Cipla does not seek rehearing on the Board's decision Dismissing Petitioner's Motion for Joinder (Paper No. 3).

[2] WO 99/00113 A1, published Jan. 7, 1999 (EX1006, "Desai").

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