

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. IPR2018-00390
U.S. Patent No. 8,889,159

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 1-37 of United States Patent No. 8,889,159 to Cleary et al. (“the ‘159 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 ‘159 patent issued on November 18, 2014, and is currently assigned to Gilead Pharmasset LLC (“Patent Owner”). This petition demonstrates that claims 1-37 are unpatentable.

The ‘159 patent claims a composition and unit dosage forms for the treatment of hepatitis C virus (“HCV”) infection that were anticipated by and obvious in light of the prior art. Specifically, the ‘159 claims compositions and unit dosage forms comprising GS-7977, a known crystalline form of a known anti-HCV drug, and at least one excipient, but such compositions and unit dosage forms were known as a result of the previous disclosure of the crystalline form of the drug. Thus, claims 1-37 of the ‘159 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.

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