

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Moderna Therapeutics, Inc.

Petitioner

v.

Protiva Biotherapeutics, Inc.

Patent Owner

Case No. IPR2018-00739

U.S. Patent No. 9,364,435

**PETITIONER'S SUR-REPLY TO PATENT OWNER'S
CONTINGENT MOTION TO AMEND**

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37 C.F.R. § 42.610

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LIST OF EXHIBITS RELIED UPON IN THE REPLY AND THE OPPOSITION TO AMEND

Exhibit No.	References
1001	U.S. Patent No. 9,364,435
1002	International Publication No. WO 2005/007196
1003	U.S. Publication No. US2006/0134189
1004	U.S. Publication No. US2006/0240554
1005	Lin, Alison J. et al., <i>Three-Dimensional Imaging of Lipid Gene-Carriers: Membrane Charge Density Controls Universal Transfection Behavior in Lamellar Cationic Liposome-DNA Complexes</i> , 84 BIOPHYSICAL JOURNAL, 3307–16 (2003) (“Lin”)
1006	Ahmad, Ayesha et al., <i>New multivalent cationic lipids reveal bell curve for transfection efficiency versus membrane charge density: lipid-DNA complexes for gene delivery</i> , 7 J GENE MED 739–48 (2005) (“Ahmad”)
1007	Declaration of Dr. Andrew S. Janoff
1008	Gao, Xiang et al., <i>Nonviral Gene Delivery: What We Know and What Is Next</i> , 9 AAPS JOURNAL Article 9, pp. E92-E104 (2007) (“Gao”)
1009	Bennett, Michael J. et al., <i>Cholesterol Enhances Cationic Liposome-Mediated DNA Transfection of Human Respiratory Epithelial Cells</i> , 15 Bioscience Reports, pp. 47-53 (1995) (“Bennett”)
1010	Heyes, James et al., <i>Cationic lipid saturation influences intracellular delivery of encapsulated nucleic acids</i> , 107 JOURNAL OF CONTROLLED RELEASE 276–87 (2005) (“Heyes”)
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1012	U.S. Patent No. 7,939,505
1013	U.S. Publication No. US2007/0042031
1014	U.S. Publication No. US2006/0008910
1015	Excerpts from '069 Patent File History
1016	'435 Patent File History
1017	U.S. Patent No. 5,264,618
1018	<i>Curriculum Vitae</i> of Dr. Andrew S. Janoff
1019	Deposition Transcript of David H. Thompson – Volume 1 (February 4, 2019)
1020	Deposition Transcript of David H. Thompson – Volume 2 (February 5, 2019)

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1021	Reply Declaration of Dr. Andrew S. Janoff
1022	Janoff Declaration for Opposition to Motion to Amend
1023	Patent Owner Response in IPR2018-00739
1024	Kauffman, et al. <i>Optimization of Lipid Nanoparticle Formulations for mRNA Delivery in Vivo with Fractional Factorial and Definitive Screening Designs</i> , Nano Letters (2015) (“Kauffman”)
1025	Decision on Appeal, Appeal No. 2016-008388 (P.T.A.B. July 18, 2018)
1026	Transcript of April 30, 2019 Conference Call

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