WYLAN PHARMACEUTICALS INC., Petitioner, v. SANOFI-AVENTIS DEUTSCHLAND GMBH, Patent Owner Case No. IPR2018-01676 U.S. Patent No. 8,603,044

PATENT OWNER'S RESPONSE



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		1.	The Combination of Møller and Steenfeldt-Jensen Does Not Teach or Render Obvious "a drive sleeve extending along a portion of said piston rod" (all challenged claims)	47		



2.	A POSA Would Not Have Been Motivated to Modify Møller to Include Steenfeldt-Jensen's Externally- Threaded Dose Scale Drum and Internally-Threaded Housing (all challenged claims)
3.	The Combination of Møller and Steenfeldt-Jensen Does Not Teach or Render Obvious "said dose dial sleeve comprising a helical groove configured to engage a threading provided by said main housing, said helical groove provided along an outer surface of said dose dial sleeve" (all challenged claims)
4.	The Combination of Møller and Steenfeldt-Jensen Does Not Teach or Render Obvious "a least one flexible arm and at least one spline to provide said audible feedback" (claim 15)
5.	The Combination of Møller and Steenfeldt-Jensen Does Not Teach or Render Obvious "wherein said main housing further comprises a helical rib adapted to be seated in said helical groove provided along said outer surface of said dose dial sleeve" (claim 19)
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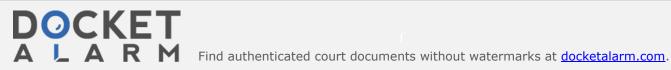
TABLE OF AUTHORITIES

	Page(s)
Cases	
Eurand, Inc. v. Mylan Pharms., Inc. (In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.), 676 F.3d 1063 (Fed. Cir. 2012)	31
General Elec. Co. v. United Techs. Corp., IPR2017-00428, Paper No. 38 (P.T.A.B. June 22, 2018)	58
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Personal Web Techs., LLC v. Apple, Inc., 848 F.3d 987 (Fed. Cir. 2017)	49, 64
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Polaris Indus., Inc. v. Arctic Cat, Inc., 882 F.3d 1056 (Fed. Cir. 2018)	58, 59
Procter & Gamble Co. v. Teva Pharms. USA, Inc., 566 F.3d 989 (Fed. Cir. 2009)	31
Unigene Labs., Inc. v. Apotex, Inc., 655 F.3d 1352 (Fed. Cir. 2011)	55



Other Authorities

37 CFR § 42.6(a)(2)(ii)	68
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