

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. REDDY'S LABORATORIES S.A. AND
DR. REDDY'S LABORATORIES, INC.
Petitioners,

v.

INDIVIOR UK LIMITED.
Patent Owner.

IPR2019-00329
Patent 9,687,454

PATENT OWNER SUR-REPLY

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I. INTRODUCTION

Petitioners' reply brief shows their challenges rest on a misapprehension of the written description standard and disregard how a POSA would have understood the disclosures of the '571 Application. Petitioners repeatedly argue that the challenged claim limitations do not have support because the '571 Application does not recite them *expressly*. But claim limitations “do[] not have to be described in *ipsis verbis*.” *In re Wertheim*, 541 F.2d 257, 265 (C.C.P.A. 1976). Instead, the disclosure must “reasonably convey[] to [a POSA] that the inventor had possession of the claimed subject matter,” and the inquiry focuses on what a POSA would have “recognize[d]” or “immediately discern[ed]” from a “flexible, sensible interpretation” of the disclosure. *Nalpropion Pharm., Inc. v. Actavis Labs. FL, Inc.*, 934 F.3d 1344, 1350–51 (Fed. Cir. 2019); *Purdue Pharma L.P. v. Faulding Inc.*, 230 F.3d 1320, 1323 (Fed. Cir. 2000).

Crucially, Petitioners fail to respond to Dr. Cremer's testimony regarding a POSA's perspective, which demonstrates the challenged claims are adequately described. Dr. Cremer explained that a POSA “would have read the '571 Application ... with a focus on how to make a pharmaceutical film” and “would have understood that the weight percentages and ratios of ingredients,” especially “the required ingredients” such as the actives, polymer, and buffer, “are essential to making pharmaceutical films.” Ex. 2008, ¶¶ 65–66. Petitioners do not respond to

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