

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APOTEX INC.  
Petitioner,

v.

UCB BIOPHARMA SPRL  
Patent Owner.

U.S. Patent No. 8,633,194 to Fanara *et al.*

Issue Date: January 21, 2014

Title: Pharmaceutical Composition of Piperazine Derivatives

*Inter Partes* Review No.: IPR2019-00400

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**PETITIONER'S OBJECTIONS TO PATENT OWNER'S  
DEMONSTRATIVE EXHIBITS**

Pursuant to Paper 41, Petitioner hereby files the following objection(s) to Patent Owner's demonstrative exhibits:

- Demonstrative Exhibit Slide 12 in its entirety. Basis for the objection: This is new argument/evidence not presented or advanced in any of the papers or record evidence.

A copy of Demonstrative Exhibit Slide 12 is attached thereto.

Date: April 17, 2020

RESPECTFULLY SUBMITTED,  
Katten Muchin Rosenman LLP  
/Jitendra Malik /  
Jitendra Malik (Reg. No. 55,823)

*Lead Counsel for Petitioner  
Apotex, Inc.*

## Petitioner Does Not Present an “Overlapping Range”

1. A method for the preparation of [FDCA] comprising the step of contacting a feed compound selected from the group consisting of [5-HMF or derivative thereof] ... in an oxidation catalyst comprising both Co and Mn, and further a source of bromine, at between 140° C and 200° C at an oxygen partial pressure of 1 to 10 bar, wherein a mixture comprising acetic acid or acetic acid and water mixtures is present.

<i>Reference</i>	<i>Temperature</i>	<i>Pressure</i>	<i>Solvent</i>	<i>Catalyst</i>
'921 patent	Between 140–200°C	1–10 bars	Acetic acid	Co/Mn/Br
RU '177	115–140°C	2.1–10.5 bars	Acetic acid	Co/Mn/Br
'732	50–250°C, preferably 50–160°C	14.5 bars	Acetic acid	Co/Mn/Br, optionally Zr
'318	50–200°C, preferably 100–160°C	2.17–7.24 bars	Water	Pt

*E.I. DuPont de Nemours & Company v. Synvina C.V.*, 904 F.3d 996 (2018) at \*1008; see also Pet. Rep. at 8, 23; Patent Owner Sur-Reply at 7, 19

## **CERTIFICATION OF SERVICE ON PATENT OWNER**

Pursuant to 37 C.F.R. §§ 42.6(e), 42.8(b)(4), and 42.105, the undersigned certifies that on April 17<sup>th</sup>, 2020, a complete copy of the foregoing Paper was served via email to the Patent Owner by serving the correspondence address of record for the '194 patent:

James S. Trainor, Jr.  
Robert E. Counihan  
FENWICK & WEST LLP  
1211 Avenue of the Americas, 32<sup>nd</sup> Floor  
New York, NY 10036

Erica R. Sutter  
FENWICK & WEST LLP  
801 California Street  
Mountain View, CA 94041

Respectfully submitted,

Katten Muchin Rosenman LLP

By: /Jitendra Malik/