

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLAXOSMITHKLINE CONSUMER HEALTHCARE HOLDINGS (US) LLC.,
Petitioner

v.

CIPLA LTD.,
Patent Owner

Case No. IPR2020-00371
U.S. Patent No. 9,901,585

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,901,585

TABLE OF CONTENTS

Table of Authorities	iii
List of Exhibits	iv
I. Introduction	1
II. Identification of Challenge and Precise Relief Requested	1
III. Priority Date	2
IV. Level of Ordinary Skill	2
V. The Challenged Claims Are Unpatentable	3
A. Summary	3
B. Ground 1: Obviousness over <i>PDR 1999</i> in View of <i>Segal</i>	3
1. Independent Claim 1	3
2. Independent Claim 16	10
3. Independent Claim 27	14
4. Dependent Claim Limitations	18
C. Ground 2: Obviousness over <i>Cramer</i> in View of <i>PDR 1999</i>	30
1. Independent Claim 1	30
2. Independent Claim 16	38
3. Independent Claim 27	43
4. Dependent Claim Limitations	48
D. No Objective Indicia Demonstrating Nonobviousness	63
1. No Unexpected Results over the Closest Prior Art	64
2. No Long-Felt but Unmet Need	66
3. No Industry Praise	66
VI. Mandatory Notices	66
A. Real Parties-in-Interest	66
B. Related Matters	66
C. Counsel and Service Information	67
VII. The Grounds Are Not Redundant	68
VIII. The Petition Should Not Be Denied under § 325(d)	68

IX. Conclusion.....68
Certificate of Compliance with Word Count
Certificate of Service

TABLE OF AUTHORITIES

Cases

Amneal Pharm., LLC v. Supernus Pharm., Inc.,
IPR2013-00368, Paper 8 (PTAB Dec. 17, 2013).....63

Eli Lilly & Co. v. Trs. of the Univ. of Pa.,
IPR2016-00458, Paper 7 (PTAB July 14, 2016)63

Statutes

35 U.S.C. §§ 311-3191

35 U.S.C. § 325(d).....68

Regulations

37 C.F.R. § 42.100 *et seq.*.....1

LIST OF EXHIBITS

Exhibit No.	Exhibit Name	Exhibit
Ex. 1001	'620 Patent	U.S. Patent No. 8,168,620 (issued May 1, 2012)
Ex. 1002	'723 Patent	U.S. Patent No. 8,163,723 (issued April 24, 2012)
Ex. 1003	'428 Patent	U.S. Patent No. 9,259,428 (issued Feb. 16, 2016)
Ex. 1004	'585 Patent	U.S. Patent No. 9,901,585 (issued Feb. 27, 2018)
Ex. 1005	'620 File History	<p>Excerpts from the prosecution file wrapper of the '620 Patent:</p> <p>(A) Amendments and Response to Office Action Dated January 23, 2009 (July 23, 2009) ("<i>July 2009 '620 Amendment</i>") (pages 1-20);</p> <p>(B) Declaration under 37 C.F.R. § 1.132 by Geena Malhotra (July 3, 2009) ("<i>July 2009 Malhotra Declaration</i>"), with Exhibits A-C (pages 21-44);</p> <p>(C) Final Office Action (April 28, 2010) ("<i>April 2010 '620 Final Office Action</i>") (pages 45-65);</p> <p>(D) Amendments and Response to Final Office Action Dated April 28, 2010 (Sept. 24, 2010) ("<i>September 2010 '620 Amendment</i>") (pages 66-87);</p> <p>(E) Declaration under 37 C.F.R. § 1.132 by Geena Malhotra (Sept. 23, 2010) ("<i>September 2010 Malhotra Declaration</i>"), with Exhibits A-D (pages 88-117);</p> <p>(F) Office Action (Feb. 16, 2011) ("<i>February 2011 '620 Office Action</i>") (pages 118-134);</p> <p>(G) Amendments and Response to Office Action Dated February 16, 2011 (Aug. 16, 2011) ("<i>August 2011 '620 Amendment</i>") (pages 135-164);</p>

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.