UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLAYBACK PHARMA LLC,

Petitioner,

v.

EYE THERAPIES, LLC,

Patent Owner.

Case IPR2022-00142
U.S. Patent No. 8,293,742

PATENT OWNER'S RESPONSE



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			a. A POSA would not have been motivated to use brimonic let alone with any reasonable expectation of success, and the prior art taught away from doing so	he			



		concentration between about 0.001% and about 0.025%, and the prior art taught away from doing so	
		c. The art teaches away from the claimed pH51	
		d. Petitioner's combination of asserted references does not render claim 3 obvious	
		i. The '553 patent does not suggest a method of reducing redness	
		ii. A POSA would not have combined Norden 2002 with '553 patent55	
		iii. None of Petitioner's other cited references cure the deficiencies of the '553 patent and Norden 200256	
	2.	Petitioner has failed to establish that claims 1-2, 4-6 are obvious	
D.	Objective, real-world evidence of non-obviousness		
	1.	Unexpected superiority of the '742 patent's invention over prior art	
		a. The claimed low-concentration brimonidine was unexpectedly better than tetrahydrozoline	
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