

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CSPC PHARMACEUTICAL GROUP LIMITED,
CSPC OUYI PHARMACEUTICAL CO., LTD.,
CONJUPRO BIOTHERAPEUTICS, INC., and APOTEX INC.,
Petitioners,

v.

IPSEN BIOPHARM LTD.,
Patent Owner.

IPR2025-00505¹
Patent 11,344,552 B2

Before ZHENYU YANG, TAWEN CHANG, and TIMOTHY G. MAJORS,
Administrative Patent Judges.

YANG, *Administrative Patent Judge.*

ORDER
37 C.F.R. § 42.5

¹ Apotex Inc., which filed a petition in IPR2025-01531, has been joined as a petitioner in this proceeding.

As a follow-up to matters discussed during the oral hearing held on May 19, 2026, the panel requests further briefing from the parties on the scope of claim 1 of the '552 patent. In particular, the parties should address the proper construction of the phrase “a human patient who has not previously received an antineoplastic agent to treat the metastatic adenocarcinoma of the pancreas,” taking into account the transitional phrases “comprising” and “consisting of” used in the claim.

The parties may wish to address, for example,

- (1) whether claim 1 encompasses a method in which the patient is first treated with the combination of the recited anti-cancer drugs, but with at least one drug at a dose different than recited in the claim (e.g., 85 mg/m² versus 60 mg/m² of oxaliplatin), before that patient is treated with the recited antineoplastic therapy;
- (2) whether claim 1 encompasses a method in which the patient is first treated with the combination of the recited anti-cancer drugs at the recited doses, and then, in the second administration two weeks later, the patient is treated with the same four drugs, but with at least one drug at a different dose (e.g., 80 mg/m² versus 60 mg/m² of liposomal irinotecan); and
- (3) how the transitional phrases “comprising” and “consisting of” as used in the claim affect the scope of the claim.

The parties should explain why their interpretation(s) are supported and may cite to the record as appropriate, but no new evidence is permitted.

ORDER

Accordingly, it is

ORDERED that the parties simultaneously brief the issue outlined above;

FURTHER ORDERED that the brief is limited to five pages and must be filed by May 29, 2026;

FURTHER ORDERED that no additional evidence is allowed; and

FURTHER ORDERED that no other briefing on this issue is authorized.

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