

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**NOVEN PHARMACEUTICALS, INC.
AND MYLAN PHARMACEUTICALS INC.,**
Petitioners

v.

NOVARTIS AG AND LTS LOHMANN THERAPIE-SYSTEME AG,
Patent Owners

Inter Partes Review No.: 2014-00549¹

U.S. Patent 6,316,023

**PETITIONER'S REQUEST FOR
ORAL ARGUMENT UNDER 37 C.F.R. § 42.70**

¹ Case IPR2015-00265 has been joined with this proceeding.

**PETITIONER’S REQUEST FOR
ORAL ARGUMENT UNDER 37 C.F.R. § 42.70**

Pursuant to the Board’s Scheduling Order dated October 14, 2014 (Paper 11), Petitioner Noven Pharmaceuticals, Inc. (“Noven”) respectfully requests oral argument, currently scheduled for June 2, 2015. Noven also requests that the hearing in this matter be joined with the hearing in IPR 2014-00550 due to the overlapping issues in the two IPRs.

Pursuant to 37 C.F.R. § 42.70(a), Noven intends to argue the following issues:

1. Any issues addressed by Petitioner, including in the Petitions for *Inter Partes Review* and Replies, in the ’550 and ’549 proceedings. In particular, as to the patentability of claims 1, 2, 4, 5, 7, and 8 in the ’023 patent², whether a person of ordinary skill in the art as of January 1998 would have maintained a reasonable expectation that the drug rivastigmine was susceptible to oxidative degradation, and therefore, whether the combination of rivastigmine with an antioxidant in a pharmaceutical formulation (and especially a transdermal delivery system) was a patentable invention.

² As to the ’031 patent, the subject of IPR2014-00550, the questions posed would be with respect to claims 1-3, 7, 15, 16, and 18.

2. Any issues properly raised by Patent Owners, including in Patent Owners' Responses, in the '550 and '549 proceedings.
3. Rebuttal to issues raised by Patent Owners.
4. Noven's motion(s) to exclude evidence.
5. Any motion to exclude evidence by Patent Owners.

Because of the number of matters disputed, Noven requests 60 minutes per side of oral argument in the joined hearings for IPR2014-00550 and IPR2014-00549. Noven also requests the ability to use audio/visual equipment to display demonstrative exhibits, including the use of a projector and screen for a PowerPoint presentation.

Dated: April 28, 2015

Respectfully submitted,

/Michael K. Levy/
Steven J. Lee (Reg. No. 31,272)
Michael K. Levy (Reg. No. 40,699)
KENYON & KENYON LLP
One Broadway
New York, NY 10004-1007
Tel: 212-425-7200
Fax: 212-425-5288

*Counsel for Petitioner Noven Pharmaceuticals,
Inc.*

CERTIFICATE OF SERVICE

I certify pursuant to 37 C.F.R. §42.6(e) that a copy the foregoing Petitioner's Request for Oral Argument was served electronically on April 28, 2015 to counsel for Patent Owners at the following email address: ExelonPatchIPR@fchs.com.

Dated: April 28, 2015

/Christopher J. Coulson/

Christopher J. Coulson (Reg. No. 61,771)

KENYON & KENYON LLP

One Broadway

New York, NY 10004-1007

Tel: 212-425-7200

Fax: 212-425-5288

*Counsel for Petitioner Noven Pharmaceuticals,
Inc.*