

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**NOVEN PHARMACEUTICALS, INC.,**  
Petitioner

v.

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

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Case IPR2014-00549

U.S. Patent 6,316,023

**PETITIONER'S LIST OF PROPOSED MOTIONS**

In preparation for the initial conference call scheduled for October 30, 2014, and pursuant to section II.E of the Office Patent Trial Practice Guide (77 Fed. Reg. 48756, 48765-66), Petitioner Noven Pharmaceuticals, Inc. submits the following list of possible issues/motions for trial. Petitioner reserves its right to seek authorization to bring additional motions, or to decide not to bring motions as indicated, as circumstances may warrant.

- Petitioner may file a motion, under 37 C.F.R. § 42.53, seeking authorization to submit videotaped testimony obtained upon cross-examination of Patent Owner's witnesses.
- Petitioner may file motions for observation if deemed necessary later in the proceedings.
- Petitioner may file motions to exclude evidence, under 37 C.F.R. § 42.64, if deemed necessary later in the proceeding.
- Petitioner may seek entry of a protective order.
- Petitioner may seek to expunge documents or other things with confidential information.

- Petitioner may file motions requesting discovery related to factual issues that may be raised by the Patent Owner in its Response to the Petition for *Inter Partes* Review, including, but not limited to, factual issues concerning objective indicia (or secondary considerations) of non-obviousness.

Respectfully submitted,

Dated: October 28, 2014

/Steven J. Lee/

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**CERTIFICATE OF SERVICE**

I certify that, on this 28<sup>th</sup> day of October, 2014, the foregoing **Petitioner's List of Proposed Motions** was served electronically on the Patent Owner using the following address:

**ExelonPatchIPR@fchs.com**

/s/ Michael K. Levy  
Michael K. Levy