

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVEN PHARMACEUTICALS, INC.,
Petitioner

v.

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

Case IPR2014-00550

U.S. Patent 6,335,031

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

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CERTIFICATE OF SERVICE

I certify that, on this 28th 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 K4. Levy