

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC., WOCKHARDT BIO AG, and
AMNEAL PHARMACEUTICALS LLC,
Petitioners,

v.

JAZZ PHARMACEUTICALS, INC.,
Patent Owner.

Case IPR2015-00547¹
Patent 7,765,107

**PETITIONERS PAR PHARMACEUTICAL, INC.'S AND
AMNEAL PHARMACEUTICALS LLC'S
REQUEST FOR ORAL ARGUMENT**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ Case IPR2015-01820 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order entered on July 28, 2015, Petitioners Par Pharmaceutical, Inc. and Amneal Pharmaceuticals LLC respectfully request oral argument on April 19, 2016. Petitioners propose that the Board conduct a consolidated proceeding in *Inter Partes* Review Nos. IPR2015-00545, -00546, -00547, -00548, -00551, and -00554, as well as any matters joined therewith, as these cases all are scheduled for hearing on the same date, relate to the same patent family, and the challenge is on identical art (with the exception of two of the claims in IPR2015-00551, which are instituted on a separate ground that includes the identical art with an additional reference).

For these proceedings, Petitioners respectfully request a total of ninety (90) minutes to present its arguments, including time to be reserved for rebuttal, and proposes that Patent Owner have a total of ninety (90) minutes to present its responsive arguments.

The parties will exchange demonstrative exhibits five (5) business days in advance of the oral hearing in accordance with 37 C.F.R. § 42.70(b). The parties have agreed to exchange one set of demonstratives addressing issues in all six of IPR2015-00545, -00546, -00547, -00548, -00551, and -00554 (and any joined proceedings) per side, and that any references to exhibits and papers will be made to the exhibits and papers filed in IPR2015-00548 for issues common across all

IPRs, except that references to other proceedings' pleadings and exhibits may be made only when necessary to address issues specific to those proceedings.

Without waiving any issue not specifically listed below, Petitioners identify the following issues to be argued at the April 19, 2016 hearing:

- 1) Whether the Advisory Committee Act ("ACA") was publicly available more than one year before December 17, 2002;
- 2) The construction of the following claim terms:
 - a. "determining with the computer processor ... patterns of potential prescription abuse ... from periodic reports generated only by the central database,"
 - b. "wherein said [prescription] request data contain information identifying the patient," and
 - c. "wherein said [prescription] request data contain information identifying ... credentials of the medical doctor."
- 3) The obviousness of claims 1-6 of the 7,765,107 patent over the ACA, including, but not limited to:
 - a. Whether the ACA disclosed, taught, or suggested the claimed prescription request; and
 - b. Whether the ACA disclosed, taught, or suggested the claimed periodic reports.

2. Arguments and evidence presented in any motions to exclude evidence or response thereto.

3. Any other issues that the Board deems necessary to issue a final written decision.

Petitioners request the use of audio/visual equipment to display demonstrative exhibits, including the use of a computer, projector, and screen. In accordance with Trial Practice Guide, 77 Fed. Reg. at 48768, Petitioners will work to discuss this request with the Board Trial Division.

Respectfully Submitted,

Date: March 18, 2016



Matthew C. Ruedy (Reg. No. 64,823)
Maddox Edwards, P.L.L.C.
1900 K Street NW – Suite 725
Washington, D.C. 20006
(202) 830-0779
mruedy@meiplaw.com

*Attorney for Petitioners Amneal
Pharmaceuticals LLC and Par
Pharmaceutical, Inc.*

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.