

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

JAZZ PHARMACEUTICALS, INC.,  
Patent Owner.

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Case IPR2015-00554<sup>1</sup>  
Patent 7,668,730 B2

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**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

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<sup>1</sup> Case IPR2015-01818 has been joined with this proceeding.

***IPR2015-00554***  
***Patent No. 7,668,730***  
***Petitioners' Request for Oral Argument***

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

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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. "generating with the computer processor periodic reports via the exclusive computer database to evaluate potential diversion patterns,"
  - b. "the prescription requests [for GHB] containing information identifying patients," and
  - c. "the prescription requests [for GHB] containing information identifying . . . various credentials of the any and all [medical doctors/authorized prescribers]."
- 3) The obviousness of claims 1–11 of U.S. Patent No. 7,668,730 over the ACA, including, but not limited to:
  - a. Whether the ACA disclosed, taught, or suggested the claimed prescription requests;

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- b. Whether the ACA disclosed, taught, or suggested the claimed periodic reports;
  - c. Whether a POSA would have been motivated to confirm “with a patient that educational material has been received and/or read prior to shipping the company’s prescription drug” rather than *after* shipping/providing the prescription drug.
- 4) Arguments and evidence presented in any motions to exclude evidence or response thereto.
- 5) 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.

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Date: March 18, 2016

Respectfully submitted,



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