

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC. and  
AMNEAL PHARMACEUTICALS LLC,  
Petitioners,

v.

YEDA RESEARCH AND DEVELOPMENT CO. LTD.,  
Patent Owner.

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Case IPR2015-00643 (Patent 8,232,250 B2)  
Case IPR2015-00644 (Patent 8,399,413 B2)  
Case IPR2015-00830 (Patent 8,969,302 B2)<sup>1</sup>

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Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and  
TINA E. HULSE, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

ORDER  
Granting Request for Oral Argument  
*37 C.F.R. § 42.70*

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<sup>1</sup> Cases IPR2015-01976, IPR2015-01980, and IPR2015-01981 have been joined with IPR2015-00643, IPR2015-00644, and IPR2015-00830, respectively. This order addresses issues that are common to each referenced case. We exercise our discretion to issue a single order to be filed in each case.

Case IPR2015-00643 (Patent 8,232,250 B2)

Case IPR2015-00644 (Patent 8,399,413 B2)

Case IPR2015-00830 (Patent 8,969,302 B2)

Pursuant to 37 C.F.R. § 42.70 and the Scheduling Order (Paper 14<sup>2</sup>), both sides timely requested oral hearing. Papers 68, 70. The parties' requests for oral hearing are *granted*.

#### Time and Format

Oral arguments for the referenced cases will be consolidated into one hearing, and will commence at **1:00 PM Eastern Time on May 12, 2016**. Each side will have a total of 60 minutes to present arguments during the consolidated hearing. Petitioners bear the ultimate burden of proof that the claims at issue in these reviews are unpatentable. Therefore, Petitioners will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial.<sup>3</sup> Patent Owner will then respond to Petitioners' arguments. Petitioners may reserve rebuttal time to respond to arguments presented by Patent Owner.

The Board will provide a court reporter for the hearing and the transcript will constitute the official record of the hearing. There will be only one transcript, which will be entered into each case. If an argument is not applicable to all cases, the presenter should clearly state which case the argument is directed to.

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<sup>2</sup> For ease of reference, paper numbers cited in this Order refer to those filed in IPR2015-00643. Similar papers were filed in the other proceedings.

<sup>3</sup> As per our decisions joining cases IPR2015-01976, IPR2015-01980, and IPR2015-01981 with IPR2015-00643, IPR2015-00644, and IPR2015-00830, respectively, we expect Petitioners to present a single argument on behalf of all Petitioners. *See, e.g.*, IPR2015-01976, Paper 9, 3–4 (PTAB Dec. 28, 2015).

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The hearing will be open to the public for in-person attendance, which will be accommodated on a first come, first served basis. The parties are reminded that certain confidential information previously has been sealed under a Protective Order entered in these proceedings (Paper 51). Papers 52, 60, 61. The parties are advised to not include any such sealed information in the demonstrative exhibits or specifically refer to it in the arguments. Alternatively, the party originally moved to seal the information may waive its request and choose to disclose and rely on the information during the oral argument.

#### Demonstratives

Demonstrative exhibits shall be served on opposing counsel at least five business days before the hearing. Notwithstanding 37 C.F.R. § 42.70(b), each party shall, instead of filing, provide a courtesy copy of the demonstrative exhibits to the Board at least five business days prior to the hearing by emailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov).

Any argument presented in the demonstrative exhibits must be supported by evidence already of record. The demonstrative exhibits, however, are not evidence. Instead, they are intended to assist the parties in presenting their oral arguments to the Board. Also, the demonstrative exhibits are not a mechanism for making arguments not previously presented. The panel will not consider arguments or evidence appearing only in demonstrative exhibits.

Due to the nature of the demonstrative exhibits, the panel does not anticipate that objections to such exhibits would likely be sustained.

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Nevertheless, to the extent that there is any objection to the propriety of the demonstrative exhibits, the parties shall meet and confer in good faith to resolve any issue. If the parties cannot resolve the issues regarding the demonstrative exhibits on their own, the objecting party may file a one-page list of its objections to the demonstrative exhibits with the Board at least two business days before the hearing. The objecting party should identify with particularity which portions of the demonstrative exhibits it objects to, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. The panel will schedule a conference call if deemed necessary. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The parties are advised that at least one member of the panel will be attending the hearing from a remote location. The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript and the ability of the judge participating remotely to follow the presenter's arguments.

#### Lead Counsel

The Board expects lead counsel for each party to be present at the oral hearing. Any counsel of record, however, may present the party's argument. If either party anticipates that its lead counsel is unable to attend the oral argument, the parties should initiate a joint conference call with the Board no later than two business days prior to the hearing to discuss the matter.

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Audio/Visual Equipment Requests

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. **Requests for audio-visual equipment must be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov) at least five business days prior to the hearing date. If the request is not received timely, the equipment may not be available on the day of the hearing.**

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