

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS II LLC,

Petitioner,

v.

NPS PHARMACEUTICALS, INC.

Patent Owner.

Cases IPR2015-00990 and IPR2015-01093
(Patent 7,056,886 B2)¹

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

¹ Pursuant to the Board's Scheduling Order in these IPRs, "the word-for-word identical paper is filed in each proceeding identified in the heading." *See, e.g.*, IPR2015-00990, Paper 29, footnote 1.

Pursuant to the Board's October 23, 2015 Scheduling Order (IPR2015-00990, Paper 29; IPR2015-01093, Paper 27) and the Notices of Stipulation Regarding Scheduling Order (IPR2015-00990, Papers 31 and 39; IPR2015-01093, Papers 29 and 37), Patent Owner respectfully requests oral argument, scheduled for June 23, 2016. Patent Owner requests 90 minutes to present its arguments. Under 37 C.F.R. § 42.70, and without intending to waive any issue not specifically identified, Patent Owner specifies the following issues to be argued:

1. Whether Petitioner has met its burden of proving claims 46-50, 52, and 69-75 are unpatentable as obvious over the combination of Drucker '379, Kornfelt, and Osterberg, in IPR2015-00990.

2. Whether Petitioner has met its burden of proving claims 51 and 75 are unpatentable as obvious over the combination of Drucker '379, Kornfelt, Osterberg, and Munroe, in IPR2015-00990.

3. Whether Petitioner has met its burden of proving claims 61-67 are unpatentable as obvious over the combination of Drucker '600, Kornfelt, Osterberg, and Holthuis in IPR2015-00990.

4. Whether Petitioner has met its burden of proving claim 68 is unpatentable as obvious over the combination of Drucker '600, Kornfelt, Osterberg, Holthuis, and Munroe, in IPR2015-00990.

5. Whether Petitioner has met its burden of proving claims 1-27, 33-35, 38, and 45 are unpatentable as obvious over the combination of Drucker '379, Kornfelt, and Osterberg, in IPR2015-01093.

6. Whether Petitioner has met its burden of proving claims 31, 32, and 44 are unpatentable as obvious over the combination of Drucker '379, Kornfelt, Osterberg, and Munroe, in IPR2015-01093.

7. Whether Petitioner has met its burden of proving claims 39 and 40 are unpatentable as obvious over the combination of Drucker '379, Kornfelt, Osterberg, and Holthuis, in IPR2015-01093.

8. Whether Petitioner has met its burden of proving claim 36 and 37 are unpatentable as obvious over the combination of Drucker '379, Kornfelt, Osterberg, and Drucker '574, in IPR2015-02093.

9. Any issues specified by Petitioner in its Request for Oral Argument.

10. Rebuttal to Petitioner's presentation on all matters; and

11. Any other issues that the Board deems necessary for issuing a final written decision.

Patent Owner requests the ability to use a digital projector and screen for use with a laptop computer to display demonstrative exhibits, but will direct that request to trials@uspto.gov not less than five days before the hearing, unless the Board instructs otherwise.

IPR2015-00990; -01093
Patent Owner's Request for Oral Argument

Respectfully submitted,

Dated: May 18, 2016

/Joseph R. Robinson/

Joseph R. Robinson, PTO Reg. No. 33,448

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Dustin B. Weeks, PTO Reg. No. 67,466

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S REQUEST FOR ORAL ARGUMENT has been on attorney for Petitioner, served via electronic mail on May 18, 2016, to the following addresses provided by Petitioner:

Jeffrey D. Blake, Esq.
jblake@merchantgould.com

Respectfully submitted,

Dated: May 18, 2016

/Dustin B. Weeks/
Dustin B. Weeks, PTO Reg. No. 67,466