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IPR2015-01490, Paper No. 53

IPR2015-01493, Paper No. 53

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November 3, 2016

RECORD OF ORAL HEARING  
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PHARMACOSMOS A/S

Petitioner

vs.

LUITPOLD PHARMACEUTICALS, INC.

Patent Owner

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Case IPR2015-01490 and IPR2015-01493

Patent 7,754,702 and 8,431,549

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Oral Hearing Held: September 22, 2016

Before: TONI R. SCHEINER, LORA M. GREEN and  
CHRISTOPHER G. PAULRAJ, Administrative Patent Judges

The above-entitled matter came on for hearing on Thursday,  
September 22, 2016 at the U.S. Patent and Trademark Office, 600 Dulany  
Street, Alexandria, Virginia in Courtroom B, at 1:00 p.m.

REPORTED BY: KAREN BRYNTESON, RMR, CRR,  
FAPR

APPEARANCES:

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P R O C E E D I N G S

(1:13 p.m.)

JUDGE PAULRAJ: Please be seated.

Good afternoon. Thanks for your patience as we set up the overflow room. This is a hearing in two IPRs, IPR2015-01490 and IPR2015-01493.

There is a motion to amend involved in these IPRs. And I understand that the parties have conferred regarding the order of presentation. And I will read the parties' e-mail into the record so that we have that.

"The parties have conferred and decided that they would like to present their arguments as a combined version of the sequential option. Petitioner talks first, presenting on its two petitions; then Patent Owner presents its response to the two petitions and its arguments on its two motions to amend, and then Petitioner replies to Patent Owner's responses on the two petitions and presents its responses on the two motions to amend. And, finally, Patent Owner replies to Petitioner's responses on the two motions to amend."

Let's start with roll call. The Petitioner first.

MS. KOLE: My name is Lisa Kole, Your Honors, here for Pharmacosmos, Petitioner.

MR. RAGUSA: Paul Ragusa on behalf of Petitioner.

1           MR. QUILLIN: I am George Quillin with Foley &  
2 Lardner, lead counsel for Patent Owner, Luitpold  
3 Pharmaceuticals. And I have with me my partner Mike  
4 Kaminski, who will be arguing today, and our colleague Asha  
5 Nadipuram and hearing remotely, I trust, is our other  
6 colleague, Natasha Iyer.

7           JUDGE PAULRAJ: Thank you.

8           MR. QUILLIN: And with us in the audience we  
9 have Gretchen Fritz, who is the vice president and general  
10 counsel for Luitpold. And we have Mr. Nobu Kadama, who is  
11 the director of intellectual property for Daiichi Sankyo, the  
12 parent of Luitpold.

13           Also we have Mr. Ron Krasnow, who is here  
14 observing.

15           MS. KOLE: If I may, Your Honor, introduce the  
16 people that accompany us.

17           JUDGE PAULRAJ: Sure.

18           MS. KOLE: This is co-counsel, Jennifer Tempesta.  
19 We're joined by our associate, Carolyn Pirraglia. And for  
20 Pharmacosmos, we have Dr. Lars Christensen, president and  
21 CEO, and Tobias Christensen, vice president of corporate  
22 strategy and development.

23           JUDGE PAULRAJ: Thank you, Ms. Kole.

24           We have allocated an hour and 15 minutes for each  
25 side for the oral argument. And I will leave it to the parties to

1 decide how they want to split up their time among the various  
2 portions of the hearing.

3 So Petitioner, you know, when you come up, you  
4 can explain how much time you want for that portion of the  
5 hearing, and I will reserve that time.

6 MS. KOLE: Very good.

7 JUDGE PAULRAJ: With that, unless there is any  
8 other further preliminary matters, we will start with Petitioner.

9 MR. QUILLIN: Your Honor, if I could, there is a  
10 housekeeping matter. The Board had ordered that a couple of  
11 papers be expunged, paper 16 in each of the --

12 JUDGE PAULRAJ: Yes.

13 MR. QUILLIN: But as of this morning, they were  
14 still there.

15 JUDGE PAULRAJ: Yes. We are in receipt of that  
16 e-mail and have submitted a request for expungement of paper  
17 16 in each of those proceedings.

18 MS. KOLE: And Petitioner agrees that they should  
19 be exchanged, so there is no disagreement there.

20 JUDGE PAULRAJ: All right. Thank you.

21 How much time would you like for this portion of  
22 the argument?

23 MS. KOLE: We are planning on 50 minutes, Your  
24 Honor.

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