

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS VII, LLC,
Petitioner,

v.

POZEN INC.,
Patent Owner.

Case IPR2015-01718
Patent 8,945,621 B2

Before TONI R. SCHEINER, LORA M. GREEN, and
JACQUELINE WRIGHT BONILLA, *Administrative Patent Judges.*

SCHEINER, *Administrative Patent Judge.*

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

A trial in this proceeding was instituted on February 22, 2016. Paper 17. A Scheduling Order entered on the same date set the oral hearing for November 16,

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2016, if requested by the parties and granted by the Board. Paper 18. Patent Owner and Petitioner each requested oral hearing pursuant to 37 C.F.R. § 42.70(a). Papers 35, 36. The parties' requests are *granted* according to the terms set forth below.

An oral argument for IPR2015-01718 will commence at **1:00 PM Eastern Time, on November 16, 2016**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Each party will have 45 minutes to present arguments. Petitioner bears the ultimate burden of persuasion that the claims at issue in this review are unpatentable. Petitioner will, therefore, open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner then will have the opportunity to respond to Petitioner's arguments. Petitioner may use any time it has reserved for rebuttal to respond to arguments presented by Patent Owner. Patent Owner may not reserve rebuttal time.

The oral hearing will be open to the public for in-person attendance. In-person attendance will be accommodated on a first come first served basis.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), any demonstrative exhibits must be served on opposing counsel at least seven (7) business days before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if any such objections cannot be resolved, the parties must file any objections to the demonstratives with the Board at least

two business days before the hearing. The objections should identify with particularity which portions of the demonstratives are subject to objection, include a copy of the objected-to portions, and include a short, one-sentence statement of the reason for each objection. No argument or further explanation is permitted. Any objection that is not timely presented will be considered waived. We note that demonstrative exhibits are only an aid to oral argument, and are not evidence of record in the proceedings.

The parties also shall provide the demonstrative exhibits to the Board at least two (2) business days prior to the hearing by emailing them to Trials@uspto.gov. Despite the requirement in 37 C.F.R. § 42.70(b) for parties to file demonstratives, the parties shall not file any demonstrative exhibits in these cases without prior authorization from the Board. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

The parties are reminded that, during the hearing, the presenter must identify clearly each demonstrative exhibit (e.g., by referencing a specific slide or screen number) to ensure clarity and accuracy of the reporter's transcript.

The Board expects lead counsel for each party to be present at the oral hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be attending the hearing, that party should initiate a joint telephone conference with the other party and the panel no later than two (2) business days prior to the hearing to discuss the matter.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov at least four (4) business days in advance of the hearing.

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It is

ORDERED that oral argument will commence at 1:00 PM ET, on November
16, 2016.

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