

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMNEAL PHARMACEUTICALS LLC and  
PAR PHARMACEUTICAL, INC.,  
Petitioners,

v.

JAZZ PHARMACEUTICALS, INC.,  
Patent Owner.

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Cases: IPR2015-01903  
Patent 8,731,963 B1

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Before JACQUELINE WRIGHT BONILLA, SUSAN L. C. MITCHELL, and  
BRIAN P. MURPHY, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

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

We instituted trial in the above-referenced *inter partes* review proceedings on March 25, 2016. Paper 10. Our Scheduling Order set the date for oral hearing as October 14, 2016. Paper 11. Patent Owner Jazz Pharmaceuticals, Inc. (“Patent Owner”) has requested 45 minutes for oral hearing in this case, pursuant to 37 C.F.R. § 42.70(a). Paper 25. Petitioners Amneal Pharmaceuticals LLC and Par Pharmaceutical, Inc. (hereafter “Petitioners”) have requested that the case be decided without oral argument, arguing that “all outstanding issues have been decided on a nearly identical record in the related IPRs.” Paper 26. Having considered the parties’ submissions, Patent Owner’s request for oral argument is GRANTED.

Each party will have 30 minutes of total argument time. Petitioners bear the ultimate burden of proof that the claims at issue are unpatentable. Therefore, at oral hearing Petitioners will open the hearing by presenting their case with regard to the challenged claims and ground on which we instituted trial. Thereafter, Patent Owner will argue its opposition to Petitioners’ case. Petitioners may use any time Petitioners reserve to rebut Patent Owner’s opposition.

The hearing will commence at **10:00 AM Eastern Time on October 14, 2016**. The hearing will be open to the public, for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. 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), demonstrative exhibits shall be served on opposing counsel at least five business days before the hearing. The parties also

shall provide the demonstrative exhibits to the Board at least two business days prior to the hearing by emailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov). The parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board. 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.

We expect that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties may file any objections to demonstratives with the Board at least two business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. We will consider any objections and schedule a conference call if deemed necessary. Otherwise, we will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely filed will be considered waived.

The Board expects lead counsel for each party to be present at the oral hearing, although any backup counsel may present all or part of a party's argument. If either lead counsel is unable to be present at the hearing, the Board shall be advised by email no later than two (2) business days prior to the oral hearing, and such lead counsel shall be available for a conference call if necessary.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. **Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the request is not received timely, the equipment may**

**not be available on the day of the hearing.** The parties are reminded that the 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.

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