

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC, MYLAN
PHARMACEUTICALS INC., BRECKENRIDGE PHARMACEUTICAL,
INC., and ALEMBIC PHARMACEUTICALS, LTD.,
Petitioners,

v.

RESEARCH CORPORATION TECHNOLOGIES, INC.
Patent Owner

Case IPR2016-00204¹

Patent RE38,551 E

**PETITIONER'S REQUEST FOR ORAL ARGUMENT
UNDER 37 C.F.R. § 42.70**

¹ Case IPR2016-01101, Case IPR2016-01242, and Case IPR2016-01245
have been joined with this proceeding.

In accordance with 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper No. 20), as modified by the Joint Notice of Stipulation Concerning Schedule (Paper No. 50), Petitioners Argentum Pharmaceuticals LLC hereby requests the opportunity to present oral argument on the instituted ground of unpatentability of the claims of U.S. Patent No. RE38,551, which encompasses each of the claim construction and obviousness issues addressed in Petitioner's Petition and Reply, Patent Owner's Response, and all exhibits thereto, including declarations and depositions. Counsel for Argentum will present oral argument on behalf of all petitioners, and counsel for the joinder petitioners may be present to address questions from the Board that may be unique to them, if there are any.

The instituted ground and other issues to be addressed at oral argument include:

- (1) Claims 1-13 are unpatentable under 35 U.S.C. § 103(a) as obvious over Kohn 1991, the '729 Patent, and Silverman;
- (2) Claim construction of the term "therapeutic composition";
- (3) Rebuttal to Patent Owner's presentation on all matters, including issues 1-3 above and issues presented in Patent Owner's Request for Oral Argument, filed December 20, 2016; and
- 4) All evidentiary motions; and
- 5) Any other issue related to unpatentability issues that the Board deems

necessary for issuing a final written decision.

Petitioner requests one (1) hour of total argument time, including any time reserved for rebuttal argument. Oral argument (Due Date 7) is scheduled for January 24, 2017. (Paper No. 20.)

Petitioner intends to present demonstrative exhibits during oral argument and will serve such exhibits at least seven business days before the oral argument date and will file the demonstrative exhibits no later than the time of the oral argument, pursuant to 37 C.F.R. § 42.70.

At oral argument, Petitioner requests the use of audio/visual equipment to display demonstrative exhibits, including the use of a computer, projector, screen, and table.

Respectfully submitted,

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Counsel for Petitioner

Date: December 20, 2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned **PETITIONER'S REQUEST FOR ORAL ARGUMENT UNDER 37 C.F.R. § 42.70** was served via electronic mail upon the following:

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Date: December 20, 2016

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