

IN THE 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 No. IPR2016-00204¹
Patent No. RE 38,551

**PATENT OWNER'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), Patent Owner requests the opportunity to present oral argument on the instituted grounds of unpatentability for U.S. Patent No. RE38,551 E (*see* Paper No. 19, pp. 23-24), which encompasses each of the claim construction and obviousness issues addressed in Petitioners' Petition and Reply, Patent Owner's Response, and all exhibits thereto, including declarations and depositions.

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

(1) Petitioners have failed to carry their burden under 35 U.S.C. § 316(e) to prove that Claims 1–9 of the '551 Patent are unpatentable under 35 U.S.C. § 103(a) over Kohn 1991 and Silverman;

(2) Petitioners have failed to carry their burden under 35 U.S.C. § 316(e) to prove that Claims 10–13 of the '551 Patent are unpatentable under 35 U.S.C. § 103(a) over Kohn 1991, Silverman, and U.S. Patent No. 5,378,729;

(3) Petitioners' Reply inappropriately introduced new arguments and evidence outside the scope of a proper reply as defined in 37 C.F.R. § 42.23(b);

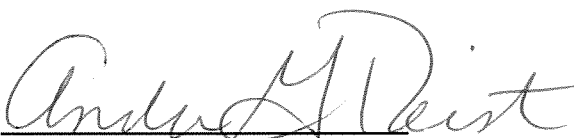
(4) Motion to Exclude Evidence Pursuant to 37 C.F.R. § 42.64 filed by either Petitioners or Patent Owner; and

(5) Rebuttal to Petitioners' presentation on all matters, including issues 1 through 4 above.

Patent Owner requests 30 minutes of argument time to address the issues in the present proceeding. Oral argument (Due Date 7) is scheduled for January 24, 2017 (Paper No. 20, p. 7).

Date: December 20, 2016

Respectfully submitted,

By 

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on this 20th day of December 2016, the foregoing **Patent Owner's Request for Oral Argument Under 37 C.F.R. § 42.70** was served by electronic mail, by agreement of the parties, on the following counsel of record for Petitioners.

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