

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEPTUNE GENERICS, LLC,
APOTEX INC., APOTEX CORP., TEVA PHARMACEUTICALS,
FRESENIUS KABI USA, LLC, and WOCKHARDT BIO AG
Petitioners,

v.

ELI LILLY & COMPANY,
Patent Owner.

Case No: IPR2016-00240¹
Patent No. 7,772,209

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

¹ Cases IPR2016-01191, IPR2016-01337, and IPR2016-01343 have been joined with the instant proceeding.

Pursuant to 37 C.F.R. § 42.70(a) and the Notice of Stipulation Concerning Scheduling filed on January 23, 2017, Paper 53, Patent Owner Eli Lilly & Company (“Lilly”) respectfully requests that the Board hear oral argument on all instituted grounds of unpatentability in this proceeding. Lilly requests that the Board hear combined oral argument in IPRs 2016-00237, -00240, and -00318 simultaneously. Lilly further requests that one hour of total argument time per side be allotted. That is, Lilly proposes that Neptune and Sandoz be granted a total of one hour to present argument, to be divided between them as they choose, and Lilly be allotted one hour to address Neptune’s and Sandoz’s arguments.

Proceeding in this manner is justified because these proceedings involve the same patent and the issues in these proceedings, as the briefing has progressed, have become substantially similar to one another. For example, Lilly’s concurrently-filed sur-reply is identical in all three proceedings. Lilly respectfully submits that conducting separate oral arguments between Neptune and Lilly and then Sandoz and Lilly, as we understand Petitioners will suggest, will be unnecessarily duplicative and inefficient given the significant similarities in Neptune and Sandoz’s positions.

Lilly respectfully requests that the Board provide audio/visual equipment to display demonstrative exhibits and evidence of record from a laptop, including a projector and screen for displaying documents. Given the number of parties

involved, Lilly further requests that the Board assign this hearing to Hearing Room

A.

Date: February 14, 2017

Respectfully submitted,

/David M. Krinsky/

David M. Krinsky

Reg. No. 72,339

Back-up Counsel for

Patent Owner

Williams & Connolly LLP

725 Twelfth Street, N.W.

Washington, D.C. 20005

202-434-5338 (Telephone)

202-434-5029 (Facsimile)

dkrinsky@wc.com

CERTIFICATE OF SERVICE
(37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the foregoing document was served on
February 14, 2017 by delivering a copy via electronic mail on the following
attorneys of record for the Petitioners:

Sarah E. Spires
Reg. No. 61,501
240Neptune@skiermontderby.com

Dr. Parvathi Kota
Reg. No. 65,122
240Neptune@skiermontderby.com

Skiermont Derby LLP
2200 Ross Ave., Ste. 4800W
Dallas, Texas 75201
P: 214-978-6600/F: 214-978-6601

Attorneys for Neptune Generics, LLC

John D. Polivick
Reg. No. 57,926
jpolivick@rmmslegal.com

Deanne M. Mazzochi
Reg. No. 50,158
dmazzochi@rmmslegal.com

William A. Rakoczy
Pro hac vice to be filed
wrakoczy@rmmslegal.com

Patrick C. Kilgore
Reg. No. 69,131
pkilgore@rmmslegal.com

Rakoczy Molino Mazzochi Siwik LLP
6 West Hubbard Street, Suite 500
Chicago, IL
P: 312-527-2157/F: 312-527-4205

*Attorneys for Apotex Inc. and Apotex
Corp.*

Gary J. Speier
Reg. No. 45,458
gspeier@carlsoncaspers.com

Mark D. Schuman
Reg. No. 31,197
mschuman@carlsoncaspers.com

Carlson, Caspers, Vandenburg,
Lindquist & Schuman
225 South Sixth Street, Suite 4200
Minneapolis, MN 55402
P: 612-436-9600
F: 612-436-9605

Cynthia Lambert Hardman
Reg. No. 53,179
chardman@goodwinprocter.com

Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
P: 212-813-8800
F: 212-355-3333

*Attorneys for Teva Pharmaceuticals
USA, Inc. and Kabi Fresenius USA,
LLC*

Patrick A. Doody
Reg. No. 35,022
patrick.doody@pillsburylaw.com

Bryan P. Collins
Reg. No. 43,560
bryan.collins@pillsburylaw.com

Pillsbury Winthrop Shaw Pittman LLP
1650 Tysons Boulevard
McLean, VA 22102
P: 703-770-7755/F: 703-770-7901

Counsel for Wockhardt Bio AG

/David M. Krinsky/
David M. Krinsky
Reg. No. 72,339
Back-up Counsel for Patent
Owner

Date: February 14, 2017