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June 8, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEPTUNE GENERICS, LLC,

Petitioner,

v.

ELI LILLY & COMPANY,

Patent Owner.

SANDOZ INC.,

Petitioner,

v.

ELI LILLY & COMPANY,

Patent Owner.

Cases IPR2016-00237, IPR2016-00240, IPR2016-00318

Patent 7,772,209 B2

RECORD OF ORAL HEARING
Oral Hearing Held: March 16, 2017

Before JACQUELINE WRIGHT BONILLA and MICHAEL P. TIERNEY, Vice Chief Administrative Patent Judges, LORA M. GREEN, Administrative Patent Judge.

The above-entitled matter came on for hearing on Thursday, March 16, 2017 at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia in Courtroom A, at 9:30 a.m.

APPEARANCES:

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Cases IPR2016-00237, IPR2016-00240, IPR2016-00318
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ALSO PRESENT:

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CYNTHIA LAMBERT HARDMAN, ESQUIRE
TOM PARKER, ESQUIRE
PATRICK KILGORE, ESQUIRE
GARY SPEIER, ESQUIRE

1 PROCEEDINGS

2 JUDGE GREEN: Welcome, everyone.

3 I would like to remind everyone, please make sure
4 all cell phones are turned off. Even leaving them on, they
5 can interfere with microphones and, thus, interfere with the
6 transcript of this proceeding. So, please, turn off all cell
7 phones.

8 This is the final oral hearing in IPR2016-00237,
9 IPR2016-002240 and IPR2016-00318. These proceedings all
10 involve Patent Number 7,772,209.

11 At this time we would like counsel to introduce
12 yourselves and your colleagues, beginning with petitioners.

13 Neptune, do you want to start?

14 MR. SKIERMONT: Paul Skiermont on behalf of
15 Neptune.

16 MS. LYDIGSEN: Laura Lydigsen on behalf of Sandoz,
17 Inc., and with me I have Bryan Richardson and Ralph Gabric,
18 also for Sandoz, Inc.

19 MR. PERLMAN: Good morning, your Honors. Adam
20 Perlman on behalf of Patent Owner Eli Lilly & Company. With
21 me, to my left, is my colleague David Krinsky, and directly
22 behind me are lead counsel Dov Grossman.

1 JUDGE GREEN: Okay. Thank you, all.

2 Welcome to the board. Consistent with our
3 previous order, patent owner and petitioners have 90 minutes
4 to present their arguments. Petitioners will proceed first
5 to present their case-in-chief as to the challenged claims
6 and may reserve rebuttal time to respond to arguments made by
7 patent owner. Our understanding is that petitioners will
8 split the 90 minutes.

9 Who will be proceeding first?

10 MS. LYDIGSEN: Sandoz, Inc., your Honor, and we
11 will be using 15 minutes for our initial argument and
12 reserving 30 minutes for rebuttal.

13 JUDGE GREEN: Okay. You do understand that you
14 can only respond to something patent owner says. Your
15 case-in-chief has to be presented initially. So, to the
16 extent that you're not responding to something that patent
17 owner said or doing something with regard to your
18 case-in-chief, we may cut you off.

19 MS. LYDIGSEN: I understand, your Honor.

20 JUDGE GREEN: So you may lose argument time.

21 MS. LYDIGSEN: I understand, your Honor.

22 JUDGE GREEN: Okay. Thereafter, patent owner will

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