

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

J KYLE BASS and ERICH SPANGENBERG,

Petitioner

v.

FRESENIUS KABI USA, LLC,

Patent Owner

**Case IPR2016-00254
U.S. Pat. No. 8,476,010 B2**

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board's Order dated January 11, 2017 (Paper No. 35), Patent Owner Fresenius Kabi USA, LLC. ("Patent Owner") requests oral argument concerning (1) whether claims 1, 13–15, 17, 18, 20, and 24–28 of U.S. Patent No. 8,476,010 B2 are not invalid as obvious over Diprivan PDR in view of Farinotti and van den Heuvel; and (2) whether claims 1, 13–15, 17, 18, 20, and 24–28 of U.S. Patent No. 8,476,010 B2 are not invalid as obvious over Diprivan PDR in view of Farinotti and Lundgren; and (3) all other issues raised by Petitioner and any other issues about which the Board wishes to hear argument.

Patent Owner requests the ability to use audio-visual equipment to display demonstratives and exhibits, including the use of a computer, projector, and screen.

Date: January 11, 2017

Respectfully submitted,

/Eleanor M. Yost/

Eleanor M. Yost
Registration No. 58,013
Goodwin Procter LLP
901 New York Avenue NW
Washington, DC 20001
P: 202.346.4000
F: 202.346.4444
eyost@goodwinlaw.com

Attorneys For Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT** was served electronically via e-mail on January 11, 2017 on the following:

Dr. Gregory Gonsalves
2216 Beacon Lane
Falls Church, Virginia 22043
(571) 419-7252
gonsalves@gonsalveslawfirm.com

Christopher Casieri
McNeely, Hare & War LLP
chris@miplaw.com

*Counsel for Petitioners J Kyle Bass
and Erich Spangenberg*

/Eleanor M. Yost/
Eleanor M. Yost

Dated: January 11, 2017