

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDOZ INC.,
APOTEX INC., and APOTEX CORP.,
EMCURE PHARMACEUTICALS LTD.,
HERITAGE PHARMA LABS INC.,
HERITAGE PHARMACEUTICALS INC.,
GLENMARK PHARMACEUTICALS, INC., USA,
GLENMARK HOLDING SA,
GLENMARK PHARMACEUTICALS, LTD., MYLAN LABORATORIES
LIMITED, TEVA PHARMACEUTICALS,
FRESENIUS KABI USA, LLC, and WOCKHARDT BIO AG
Petitioners,

v.

ELI LILLY & COMPANY,
Patent Owner.

Case No: IPR2016-00318¹
Patent No. 7,772,209

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

¹ Cases IPR2016-01429, IPR2016-01393, and IPR2016-01340 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 56, 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:

Ralph J. Gabric
Reg. No. 34,167
rgabric@brinksgilson.com

Laura Lydigsen
Pro hac vice
llydigsen@brinksgilson.com

Joshua H. James
Reg. No. 72,568
jjames@brinksgilson.com

Brinks Gilson & Lione
455 Cityfront Plaza Drive
Suite 3600 NBC Tower
Chicago, IL 60611-5599
T: 312-321-4200; F: 312-321-4299

Bryan T. Richardson, Ph.D.
Reg. No. 70,572
brichardson@brinksgilson.com

Brinks Gilson & Lione
4721 Emperor Blvd.
Suite 220
Durham, NC 27703-8580
T: 919-998-5700; F: 919-998-5701

Counsel for Sandoz Inc.

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

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

William A. Rakoczy

Patrick C. Kilgore

Pro hac vice to be filed
wrakoczy@rmmslegal.com

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.

Thomas J. Parker
Reg. No. 42,062
thomas.parker@alston.com

Alston & Bird LLP
90 Park Avenue, 15th Floor
New York, NY 10016
P: 212-210-9529/F: 212-210-9444

Counsel for Mylan Laboratories Limited

Gerard A. Haddad
Reg. No. 41,811
GHaddad@BlankRome.com

Blank Rome LLP
The Chrysler Building
405 Lexington Ave.
New York, NY 10174
P: 212-885-5135/F: 917-591-6921

Counsel for Glenmark Pharmaceuticals Inc., USA, Glenmark Holding SA, and Glenmark Pharmaceuticals Ltd.

Paul M. Zagar
Reg. No. 52,392
PZagar@BlankRome.com

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.