

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC. and MYLAN LABORATORIES
LIMITED,
Petitioner,

v.

UCB PHARMA GMBH
Patent Owner

Case IPR2016-00510
Patent No. 6,858,650¹

PETITIONER'S REQUEST FOR ORAL ARGUMENT

¹ Petitioner Alembic Pharmaceuticals Limited from IPR2016-01596, Torrent Pharmaceuticals Limited from IPR2016-01636, and Amerigen Pharmaceuticals Limited from IPR2016-01665 have been joined as Petitioners to this proceeding.

Pursuant to 37 C.F.R. § 42.70(a) and the Board’s July 20, 2017, Scheduling Order (Paper No. 13), Petitioner Mylan Pharmaceuticals Inc., Mylan Laboratories Limited, Alembic Pharmaceuticals Limited, Torrent Pharmaceuticals Limited, and Amerigen Pharmaceuticals Limited (collectively, “Petitioner”), respectfully submit this Request for Oral Argument. As set forth in the Scheduling Order, the Board has currently scheduled the oral hearing for April 5, 2017 (*Id.* at 6).

Issues For Hearing

- I. Whether claims 1-5 and 21-24 of the ’650 Patent are obvious over the combination of Postlind, Bundgaard, Bundgaard PCT, Detrol Label, and Berge;
- II. Whether claims 1-5 and 21-24 of the ’650 Patent are obvious over Brynne, Bundgaard, Bundgaard PCT, and Johansson;
- III. Whether Patent Owner has established any secondary considerations, namely, unpredictable or unexpected properties or long felt need, sufficient to overcome Petitioner’s prima facie case of obviousness;
- IV. Any issues identified in Patent Owner’s Request for Oral Argument;
- V. Any other issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed, such as Motions to Exclude or Motions for Observations on Cross Examination; and

VI. Any other issues the Board deems necessary for issuing a final written decision.

Petitioner requests permission to use audio/visual equipment to display demonstrative exhibits, including a projector and screen for Power Point or other electronic materials.

Dated: March 8, 2017

Respectfully submitted,

By: /s/ Mitchell G. Stockwell
Mitchell G. Stockwell
Registration No. 39,389

Lead Counsel for Petitioner Mylan
Pharmaceuticals Inc. and Mylan
Laboratories Limited

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of PETITIONER'S REQUEST FOR ORAL ARGUMENT was served on March 8, 2017, by filing this document through the Patent Trial and Appeal Board End to End system, as well as delivering a copy via US Mail upon the following attorneys of record:

Jeffrey Ginsberg
Kenyon & Kenyon LLP
One Broadway
New York, New York 10004-1007

with a courtesy copy to counsel for Pfizer Inc. and UCB Pharma GMBH, Plaintiffs in the underlying litigation, via email as follows:

Jack Blumenfeld
jbbefiling@mnat.com

Dimitrios T. Drivas
Jeffrey J. Oelke
James S. Trainor, Jr.
Ryan P. Johnson
Robert Counihan
ddrivas@whitecase.com
joelke@whitecase.com
jtrainor@whitecase.com
rjohnson@whitecase.com
rcounihan@whitecase.com

Dated: March 8, 2017

By: /s/ Mitchell G. Stockwell
Registration No. 39,389
Counsel for Petitioner

