

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN LABORATORIES LIMITED,
Petitioner,

v.

AVENTIS PHARMA S.A.,
Patent Owner.

Case: IPR2016-00712
Patent 8,927,592 B2

Before BRIAN P. MURPHY, TINA E. HULSE, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

ORDER
Request for Oral Argument
37 C.F.R. § 42.70

We instituted trial in the above-referenced *inter partes* review proceeding on September 22, 2016. Paper 9. Our Scheduling Order set the date for oral hearing as June 13, 2017. Paper 10. Mylan Laboratories Limited (“Petitioner”) has requested 60 minutes of oral argument to address the issues raised in our Institution Decision and any issues raised in the Papers filed by the parties, including the Contingent Motion to Amend claims 27–30 of U.S. Patent No. 8,927,592 (“the ’592 patent”) (Paper 22) filed by Patent Owner Aventis Pharma S.A. (“Patent Owner”). 37 C.F.R. § 42.70(a); Paper 60. Patent Owner also has requested 60 minutes for oral hearing to address the issues. Paper 59. Having considered the parties’ submissions, the parties’ request for oral argument is GRANTED.

Each party will have **60 minutes** of total argument time. Petitioner bears the ultimate burden of proof that the claims at issue are unpatentable. Therefore, Petitioner will open the oral hearing by presenting its case with regard to the challenged claims and grounds on which we instituted trial. Thereafter, Patent Owner will argue its opposition to Petitioner’s case and in support of Patent Owner’s Contingent Motion to Amend claims 27–30 of the ’592 patent. Petitioner may reserve time to rebut Patent Owner’s opposition and oppose Patent Owner’s Contingent Motion to Amend. Patent Owner may reserve time to rebut Petitioner’s opposition to Patent Owner’s Contingent Motion to Amend.

The hearing will commence at **2:00 PM Eastern Time on Tuesday June 13, 2017**. The hearing will be open to the public, for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first come, first served basis.

The Board will provide a court reporter for the hearing and the reporter’s transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits shall be served on opposing counsel at least seven business days before the hearing. The parties also shall provide the demonstrative exhibits to the Board at least three business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits, which must include citations to the record.

We expect the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties may file objections to demonstratives with the Board at least three business days before the hearing. The objections should identify with particularity the portions of each demonstrative exhibit subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No further argument or explanation is permitted. We will consider any objections and schedule a conference call if deemed necessary. Otherwise, we will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely filed will be considered waived.

At least one member of the panel will be attending the hearing electronically from a remote location and may not be able to view the projection screen in the hearing room. Thus, if a demonstrative exhibit is not made available or visible to the judge(s) presiding over the hearing remotely, that demonstrative will not be considered. Each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the

hearing to ensure the clarity and accuracy of the reporter's transcript and for the benefit of the judge(s) presiding over the hearing remotely.

The Board expects lead counsel for each party to be present at the oral hearing, although any backup counsel may present all or part of a party's argument. If either lead counsel is unable to be present at the hearing, the Board shall be advised by email no later than two (2) business days prior to the oral hearing, and such lead counsel shall be available for a conference call if necessary.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. **Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.**

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