1	UNITED STATES PATENT AND TRADEMARK OFFICE
2	BEFORE THE PATENT TRIAL AND APPEAL BOARD
3	
4	PRAXAIR DISTRIBUTION, INC.
5	Petitioner
6	v.
7	INO THERAPEUTICS, LLC,
8	Patent Owner
9	Case IPR2015-00529
10	U.S. Patent No. 8,846,112 B2
11	
12	
13	HEARING BEFORE THE BOARD
14	
15	The Telephonic hearing was held on Tuesday,
16	January 5, 2016, commencing at 2:36 p.m., at the Law
17	Offices of Latham and Watkins, LLP, 555 Eleventh Street,
18	N.W., Suite 1000, Washington, D.C. 20004, before Steven
19	Poulakos, RPR, Notary Public.
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25	REPORTED BY: Steven Poulakos, RPR

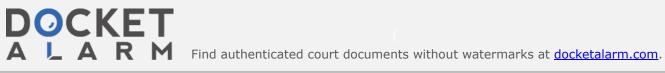


Mallinckrodt Hosp. Prods. IP Ltd. Exhibit 2020 Praxair Distrib., Inc. et al., v. Mallinckrodt Hosp. Prods. IP Ltd. Case IPR2016-00781

1	APPEARANCES:
2	
3	ON BEHALF OF PRAXAIR DISTRIBUTION, INC.
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12	ON BEHALF OF INO PHARMACEUTICALS, LLC:
13	KENNETH G. SCHULER, ESQUIRE
14	MARC ZUBICK, ESQUIRE
15	Latham & Watkins, LLP
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22	
23	
24	ALSO PRESENT: Kenneth D. Goetz, Esquire. In-house
25	counsel for Mallinckrodt Pharmaceuticals



1	PROCEEDINGS
2	
3	MR. SCHULER: Hello. These are the
4	participants at the deposition, counsel for both
5	parties and the court reporter.
6	MR. MURTHY: Hi, Your Honor, Sanjay Murthy
7	also on the call for Petitioner.
8	MS. KERRANE: Can you hear me as well?
9	MR. MURTHY: I can.
10	THE COURT: Good afternoon. This is Judge
11	Green, and I have Judge Hulse on the line with me. My
12	understanding, this is a conference call on
13	IPR2015-00529 regarding a deposition that's ongoing.
14	Who do I have for petitioner.
15	MR. MURTHY: Your Honor, Sanjay Murthy on
16	behalf of petitioner.
17	MS. KERRANE: And Sara Kerrane also on
18	behalf of petitioner.
19	THE COURT: And then who do I have for
20	patent owner?
21	MR. SCHULER: Ken Schuler on behalf of the
22	patent owner, Your Honor.
23	THE COURT: Okay. Thank you.
24	MR. SCHULER: I just wanted to let the
25	Court know we also have additional counsel for the



1	patent owner, including in-house counsel, and there's
2	no objection from Petitioner as to their participation.
3	We also have the court reporter still here
4	for the deposition, but the deponent is not in the
5	room.
6	THE COURT: Okay, and is the court reporter
7	doing a transcript of this call.
8	THE COURT REPORTER: Yes, Your Honor.
9	THE COURT: So if one of the parties could
10	arrange to have the transcript filed in this case as an
11	exhibit, when it's possible, I would appreciate it.
12	MR. SCHULER: We will arrange for it, Your
13	Honor. This is counsel for the Respondent.
14	THE COURT: Okay. I only have very limited
15	information about this call. So I'm not sure who
16	requested it. So whoever requested the call can go
17	ahead and start.
18	MR. SCHULER: Yes, Your Honor, it's Ken
19	Schuler. We did request the call.
20	The issue is the scope of the deposition.
21	We have a question about a nonprior art reference,
22	which is the current labeling for the product.
23	The question proceeded to say about a
24	contraindication that's in the label and what's not a
25	contraindigation in the label There is parallel



1	District Court litigation that involves questions of
2	infringement.
3	I asked counsel for the Petitioner to
4	explain how that would be would relevant to issues of
5	102, 103 that are at issue with the declaration, and at
6	issue with regard to the institution decision. Counsel
7	declined to provide any explanation, and so we would
8	ask that any such questioning, because it appears to be
9	calculated to go to issues other than the issues at
10	hand, not be permitted.
11	THE COURT: Now, was there anything about
12	the product label or anything else in the declaration
13	that the declarant is being cross-examined on?
14	MR. SCHULER: The only thing that counsel
15	have pointed me to is a paragraph that recites the file
16	history that says that a labeling supplement was
17	submitted.
18	I don't know if counsel has anything else
19	in mind, but she declined to identify anything else.
20	MS. KERRANE: Actually, Your Honor, I
21	referred counsel here to paragraph 65 in the deponent's
22	declaration in which he distinctly discusses this and,
23	in fact, the new label is an exhibit to his
24	declaration, and he discusses the fact that the
25	prescribing information of the INOmax now includes



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