

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUYE PHARMA GROUP LTD., LUYE PHARMA (USA) LTD.,
SHANDONG LUYE PHARMACEUTICAL CO., LTD. and NANJING
LUYE PHARMACEUTICAL CO., LTD.,
Petitioners,

v.

ALKERMES PHARMA IRELAND LTD. and ALKERMES
CONTROLLED THERAPEUTICS, INC.
Patent Owner.

Case IPR2016-01096
Patent 6,667,061 B2

Record of Oral Hearing
Held: August 28, 2017

Before LORA M. GREEN, ROBERT A. POLLOCK, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

Case IPR2016-01096
Patent 6,667,061 B2

APPEARANCES:

ON BEHALF OF PETITIONER:

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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Monday, August 28, 2017, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 JUDGE GREEN: Good afternoon. Welcome,
4 everyone. Please make sure that all cell phones are turned
5 off, as they can interfere with microphones. We are on the
6 record. This is the final oral hearing in IPR2016-01096.
7 This proceeding involves U.S. Patent Number 6,667,061.
8 At this time, I would like counsel to introduce yourselves
9 and your colleagues, beginning with Petitioner.

10 MR. KOCHANSKI: Good afternoon, Your Honor.
11 Paul Kochanski for the Petitioner. Before getting started
12 with argument, I'd like to handle two matters of business.
13 Number one, I'd like to provide the Court with a set of our
14 demonstrative exhibits, if I can be so allowed.

15 JUDGE GREEN: Sure.

16 MR. KOCHANSKI: And, secondly, at the close of
17 last week, the Patent Owner objected to certain of our
18 demonstratives -- Petitioner's demonstratives, and that was
19 50 and 55.

20 JUDGE GREEN: Correct.

21 MR. KOCHANSKI: We would like to withdraw
22 those demonstratives and receive authorization from the
23 Board to refile our demonstratives with those omitted.

24 JUDGE GREEN: That's fine. That will be great.

25 MR. KOCHANSKI: Thank you very much, Your
26 Honor.

1 JUDGE GREEN: And if you could do that by maybe
2 next week, that would be great.

3 MR. KOCHANSKI: That will be no problem, Your
4 Honor. Thank you.

5 JUDGE GREEN: Okay. And if you could also get
6 the paralegal -- do you have a couple sets of
7 demonstratives? Or if we could just have one set of
8 demonstratives for each party in the record, that would be --
9 so if you have to the paralegals expunge some
10 demonstratives, let's try and get the record cleaned up.

11 MR. KOCHANSKI: Thank you.

12 JUDGE GREEN: Okay, then, I want Patent Owner's
13 counsel to introduce yourselves.

14 MR. WONG: Yes. Ha Kung Wong on behalf of the
15 Patent Owners. With me from Fitzpatrick Cella is also
16 Linda Roberts and Scott Reed and Una Fan. And then we
17 have from Alkermes here, we have Kathy Claire, and John
18 Kirkland, and we have Melissa from Johnson and Johnson
19 here.

20 JUDGE GREEN: Okay, thank you very much.
21 Welcome to the Board. If you can just wait a minute.

22 MR. KOCHANSKI: Okay.

23 JUDGE GREEN: Consistent with our previous
24 order, Petitioner and Patent Owner have 45 minutes to
25 present their arguments. Petitioner will proceed first to
26 present its case-in-chief as to the challenged claims and

1 may reserve rebuttal time to respond to the arguments made
2 by Patent Owner. Thereafter, Patent Owner will respond to
3 Petitioner's case.

4 I would like to start with a housekeeping note. We
5 note that, on Thursday of last week, Petitioner sent
6 authorization to file a second motion to exclude evidence.
7 Petitioner states that they were informed by a paralegal that
8 they would be allowed a second motion. According to
9 Petitioner, without that second motion, they would have no
10 recourse to exclude evidence served after that motion to
11 exclude was filed. Would you like to address that matter
12 now, before we start formal argument in this case?

13 MR. KOCHANSKI: Mr. Van Buskirk from our
14 office will address that.

15 JUDGE GREEN: Okay. And, Patent Owner, you
16 can respond. You know, we'll do it like -- we'll pretend
17 we're on the phone.

18 MR. VAN BUSKIRK: Thank you, Your Honors.
19 The exhibits --

20 JUDGE GREEN: I'm sorry. Just we want to keep
21 this very brief.

22 MR. VAN BUSKIRK: Of course. The exhibits that
23 we sought to exclude were first presented at a deposition
24 which occurred on July 13th. On July 24th, we were
25 actually served with a copy of those exhibits and, within
26 five business days thereafter, on July 31st, we filed our

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