

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MYLAN PHARMACEUTICALS INC., ACTAVIS  
LABORATORIES FL, INC., AMNEAL PHARMACEUTICALS LLC,  
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC, DR. REDDY'S  
LABORATORIES, INC., DR. REDDY'S LABORATORIES, LTD.,  
SUN PHARMACEUTICALS INDUSTRIES, LTD.,  
SUN PHARMACEUTICALS INDUSTRIES, INC.,  
TEVA PHARMACEUTICALS USA, INC., WEST-WARD  
PHARMACEUTICAL CORP., and HIKMA PHARMACEUTICALS, LLC,  
Petitioner,

v.

JANSSEN ONCOLOGY, INC.,  
Patent Owner.

---

Case IPR2016-01332<sup>1</sup>  
Patent 8,822,438 B2

---

Before LORA M. GREEN, RAMA G. ELLURU, and  
KRISTINA M. KALAN, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

---

<sup>1</sup> Case IPR2017-00853 has been joined with this proceeding.

Petitioner and Patent Owner each have requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 66, 67. The requests are *granted*. Oral arguments will commence at 1:00 PM Eastern Time on May 24, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Each side will have thirty-five (35) minutes to present arguments. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner will then respond to Petitioner's arguments. Petitioner may reserve time to respond to arguments presented by Patent Owner, with some limitations. More specifically, to the extent that Petitioner reserves time, it may respond only to Patent Owner's presentation on all matters.

The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven (7) business days before the hearing. The parties also shall provide the demonstrative exhibits to the Board at least *two* business days prior to the hearing by emailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov). Despite the requirement in § 42.70(b) for parties to file demonstratives, the parties shall *not* file any demonstrative exhibits in this case without prior authorization from the Board. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

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), regarding the appropriate content of demonstrative exhibits. The Board expects that 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 any objections to demonstratives with the Board at least two business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The parties also should note that at least one member of the panel will be attending the hearing electronically from a remote location, and that if a demonstrative is not made fully available or visible to the judge participating in the hearing remotely, that demonstrative will not be considered. The parties are also reminded that the 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 the ability of the judge participating in the hearing remotely to closely follow the presenter's arguments.

The Board expects lead counsel for each party to be present at hearing, although any backup counsel may make the actual presentation, in

IPR2016-01332  
Patent 8,822,438 B2

whole or in part. If any lead counsel will not be in attendance at hearing, the Board should be notified via a joint telephone conference call no later than two (2) business days prior to the hearing to discuss the matter.

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 five (5) days in advance of the hearing date. The request is to be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov), any requests not sent specifically to that email address will not be considered timely. If the request is not received timely, the equipment may not be available on the day of the hearing.

IPR2016-01332  
Patent 8,822,438 B2

PETITIONER:

Brandon M. White  
Crystal R. Canterbury  
Bryan D. Beel  
Shannon Bloodworth  
Emily J. Greb  
Robert D. Swanson  
Samuel S. Park  
Ryan B. Hauer  
Jovial Wong

bmwhite@perkinscoie.com  
ccanterbury@perkinscoie.com  
bbeel@perkinscoie.com  
sbloodworth@perkinscoie.com  
egreb@perkinscoie.com  
rswanson@perkinscoie.com  
spark@winston.com  
rhauer@winston.com  
jwong@winston.com

FOR PATENT OWNER:

Dianne B. Elderkin  
Barbara L. Mullin  
Ruben H. Munoz  
Akin Gump Strauss Hauer & Feld LLP

delderkin@akingump.com  
bmullin@akingump.com  
rmunoz@akingump.com