

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

QUALICAPS CO., LTD,
Patent Owner

Case IPR2017-00203
Patent 6,649,180

**PATENT OWNER'S REQUEST FOR ORAL
ARGUMENT UNDER 37 C.F.R. § 42.70**

DC: 6580179-2

In accordance with 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper No. 11) as modified by the Joint Notice of Stipulation to Adjust Schedule (Paper No. 21), Second Joint Notice of Stipulation to Adjust Schedule (Paper No. 25), and the Amended Scheduling Order (Paper No. 42), Patent Owner requests the opportunity to present oral argument on the instituted ground of unpatentability for U.S. Patent No. 6,649,180 (*see* Paper No. 10, p. 17), which encompasses each of the obviousness issues addressed in Petitioner's Petition and Reply, Patent Owner's Response, and all exhibits thereto, including declarations and depositions.

The instituted ground and other issues to be addressed at oral argument include:

(1) Petitioner has failed to carry its burden under 35 U.S.C. § 316(e) to prove that Claims 1 and 4 of the '180 Patent are unpatentable under 35 U.S.C. § 103(a) over Yamamoto and the Japanese Pharmacopoeia;

(2) Petitioner's Reply inappropriately introduced new arguments outside the scope of a proper reply as defined in 37 C.F.R. § 42.23(b);

(3) Patent Owner's Motion to Exclude Evidence Pursuant to 37 C.F.R. § 42.64;

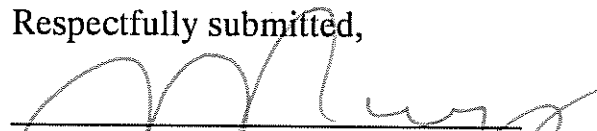
(4) Rebuttal to Petitioner's presentation on all matters, including issues 1 through 3 above; and

(5) Any other issues that the Board deems necessary for issuing a final written decision.

Patent Owner requests 45 minutes of total argument time. Oral argument (Due Date 7) is scheduled for January 25, 2018 (Paper No. 42, p. 2).

Respectfully submitted,

Dated: December 6, 2017



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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on this 6th day of December 2017, the foregoing Patent Owner's Request for Oral Argument Under 37 C.F.R. § 42.70 was served by electronic mail, by agreement of the parties, on the following counsel of record for Petitioner.

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