

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 No. 6,649,180

**PETITIONER MYLAN PHARMACEUTICALS INC.'S REQUEST FOR
ORAL ARGUMENT**

EXHIBIT LIST

Exhibit No.	Description
1001	United States Patent No. 6,649,180
1002	Complaint, <i>Warner Chilcott (US), LLC et al. v. Mylan Pharmaceuticals, Inc., et al.</i> , Case No. 2:15-cv-01740-JRG-RSP (E.D. Texas)
1003	Proof of Service of Complaint, Case No. 2:15-cv-01740-JRG-RSP (E.D. Texas)
1004	United States Patent No. 5,756,123 (“Yamamoto”)
1005	<i>The Japanese Pharmacopeia</i> (The Society of Japanese Pharmacopeia, 13th ed. 1996) (“Japanese Pharmacopeia”)
1006	United States Patent No. 3,493,407 (“Greminger”)
1007	21 C.F.R. § 172.874 (1998)
1008	<i>National Formulary</i> (American Pharmaceutical Association, 12th ed. 1965)
1009	Handbook of Pharmaceutical Excipients (1986)
1010	File History of United States Patent No. 6,649,180
1011	Expert Declaration of Arthur H. Kibbe
1012	Shin-Etsu Chemical Co., Ltd. PHARMACOAT Technical Information Shin-Etsu Chemical Co., Ltd. TC-5 Technical Information
1013	Chichester, C.O., E.M. Mrak, and G.F. Stewart, “Utilization of Synthetic Gums in the Food Industry,” <i>Advances in Food Research</i> , Volume 12, Technical Center, General Foods

	<u>Corporation, Tarrytown, N.Y., 1963.</u>
1014	Deposition Transcript of Jason T. McConville, Ph.D., Case No. 2:15-cv-1471-JRG-RSP (E.D. Tex.), July 8, 2016
1015	Declaration Of Mr. Jonathan D. Olinger In Support Of Petitioner's Unopposed Motion For <i>Pro Hac Vice</i> Admission Under 37 C.F.R. § 42.10(C)
1016	United States Patent No. 5,756,123 ("Yamamoto") (<i>Served but not filed, June 14, 2017</i>)
1017	<i>The Japanese Pharmacopeia</i> (The Society of Japanese Pharmacopeia, 13th ed. 1996) ("Japanese Pharmacopeia") (<i>Served but not filed, June 14, 2017</i>)
1018	21 C.F.R. § 172.874 (1998) (<i>Served but not filed, June 14, 2017</i>)
1019	<i>National Formulary</i> (American Pharmaceutical Association, 12th ed. 1965) (<i>Served but not filed, June 14, 2017</i>)
1020	Handbook of Pharmaceutical Excipients (1986) (<i>Served but not filed, August 11, 2017</i>)
1021	Email exchange between counsel July 25, 2017 (<i>Served but not filed, August 11, 2017</i>)
1022	Email exchange between counsel August 4, 2017 (<i>Served but not filed, August 11, 2017</i>)
1023	Email exchange between counsel August 10, 2017 (<i>Served but not filed, August 11, 2017</i>)
1024	Mylan Pharmaceuticals Inc., Mylan Laboratories Limited, and Mylan Inc.'s Amended Notice Of Videotaped Deposition Of Representative(s) Of Qualicaps Co., Ltd. Pursuant To Federal Rule Of Civil Procedure 30(B)(6) (<i>Served but not filed, August 11, 2017</i>)
1025	Email exchange between counsel March 21, 2017 (<i>Served but not filed, August 11, 2017</i>)
1026	Email exchange between counsel April 25, 2017 (<i>Served but not filed, August 11, 2017</i>)

1027	Amended Docket Control Order, <i>Warner Chilcott (US), LLC v. Teva Pharmaceuticals USA, Inc.</i> , No. 2:15-cv-1471 (E.D. Tex. May 19, 2017), ECF No. 165 (<i>Served but not filed, August 11, 2017</i>)
1028	Deposition Transcript of Jason T. McConville, Ph.D., August 17, 2017
1029	Reply Expert Declaration of Arthur H. Kibbe

Pursuant to 37 C.F.R. § 42.70(a) and the Board's Amended Scheduling Order (Paper No. 42), Petitioner Mylan Pharmaceuticals Inc. respectfully submits this Request for Oral Argument. As set forth in the Amended Scheduling Order, the Board has scheduled oral argument for January 25, 2018. Paper No. 42, at 1.

Petitioner specifies the following issues to be argued:

- Claims 1 and 4 of the '180 Patent are not patentable as obvious in view of Ex. 1004 United States Patent No. 5,756,123 ("Yamamoto") in combination with Ex. 1005 *The Japanese Pharmacopeia* (The Society of Japanese Pharmacopeia, 13th ed. 1996) ("Japanese Pharmacopeia");
- Any other issues identified by Patent Owner for oral argument or any other issues raised in papers yet to be filed; and
- Any other issues the Board deems necessary for issuing a final written decision.

Petitioner requests permission to use audio/visual equipment at the oral argument, including a projector and screen for displaying evidence or demonstrative exhibits.

Respectfully submitted,

Dated: December 6, 2017

Respectfully submitted,

By: s/Mitchell G. Stockwell

Mitchell G. Stockwell

Registration No. 39,389

Lead Counsel for Petitioner

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