

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUPIN LTD. and LUPIN PHARMACEUTICALS, INC.,
Petitioners,

v.

HORIZON THERAPEUTICS, LLC,
Patent Owner.

Case IPR2017-01159 (Patent 9,254,278 B2)
Case IPR2017-01160 (Patent 9,326,966 B2)¹

Before DEBORAH KATZ, GRACE KARAFFA OBERMANN, and
RAMA G. ELLURU, *Administrative Patent Judges*.

KATZ, *Administrative Patent Judge*.

ORDER – Oral Argument
37 C.F.R. § 42.70

¹ We exercise our discretion to issue one Order to be filed in both cases. The parties are not authorized to use this style heading for any subsequent papers.

Both parties requested oral argument in this trial. (*See* Papers 27 and 28.) Accordingly, it is ORDERED that oral argument will commence at 10:00 AM Eastern Time, on July 9, 2018, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. *See* 35 U.S.C. § 316(a)(10).

Petitioner and Patent Owner each will have 30 minutes to present arguments. Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable. Petitioner will, therefore, 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 reply to arguments presented by Patent Owner.

The oral hearing will be open to the public for in-person attendance. In-person attendance will be accommodated on a first come, first serve basis. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing for both cases.

Any demonstrative exhibits must be served at least five business days before the hearing. The parties also shall provide a copy of any demonstrative exhibits to the Board at least five business days prior to the hearing by emailing them to Trials@uspto.gov, and the parties shall not file their demonstrative exhibits in these proceedings without prior authorization from the Board. Each party shall provide a hard copy of their demonstratives to the court reporter at the hearing.

Demonstrative exhibits are not evidence and are not part of the record of the proceeding. They are intended only to assist the parties in presenting their oral argument to the panel. Nevertheless, if either party objects to the other's demonstratives, it shall send an e-mail to the Board, at least two business days before the hearing, with a list of its objections, not to exceed one-page. For each objection, the list must identify with particularity the demonstratives subject to the

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objection and include a short, one-sentence statement explaining the objection. We will consider the objections and reserve ruling on them until the hearing or after the hearing. Any objection to demonstrative exhibits not presented timely will be considered waived.

The parties also are reminded that during oral argument counsel must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) or page of the record referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov at least three business days in advance of the hearing.

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