

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KVK-Tech, Inc.,  
Petitioner,

v.

Shire LLC,  
Patent Owner.

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Case IPR2018-00293  
Patent 9,173,857

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PETITIONER'S REQUEST FOR ORAL ARGUMENT

Patent Trial and Appeal Board  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to the Board's July 10, 2018, Scheduling Order (Paper 14), Petitioner respectfully requests oral argument, currently scheduled for April 4, 2019. Petitioner requests one hour in which to present its arguments. Under 37 C.F.R. § 42.70, and without intending to waive any issue not specifically identified, Petitioner specifies the following issues to be argued:

1. Whether claims 1-29 are unpatentable over the asserted art;
2. Whether claims 1-29 are obvious over Burnside (US 6,605,300 and RE41,148) alone or combined with prior art related to Adderall XR;
3. Whether certain elements of claims 1-29 are inherent in the prior art, including but not limited to, the pharmacokinetic elements and the no food effect element;
4. Patent Owner's defenses, including but not limited to, whether there was reasonable expectation of success, teaching away and secondary considerations;
5. Any issues specified by Patent Owner in its Request for Oral Argument;
6. Any other issues the Board deems necessary for issuing a final written decision (e.g., any motion to exclude evidence, any motion to strike briefs, and any motion to seal evidence).

Petitioner also requests that the Board provide audio-visual equipment to display demonstrative exhibits, including a projector and screen for displaying documents from a computer.

Further, Petitioner requests that the hearing be held at the USPTO's Alexandria, Virginia office.

Respectfully submitted,

Dated: March 7, 2019

/s/Steven Roth/  
Steven Roth, PTO Reg. No. 47,039  
Lucas & Mercanti, LLP

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that, pursuant to 37 C.F.R. §§ 42.6(e) a copy of the foregoing PETITIONER'S REQUEST FOR ORAL ARGUMENT was served electronically via email on March 7, 2019 on the following:

Joseph R. Robinson  
Troutman Sanders LLP  
875 Third Avenue  
New York, NY 10022  
joseph.robinson@troutmansanders.com

Dustin B. Weeks  
Troutman Sanders LLP  
Bank of America Plaza  
600 Peachtree Street NE, Suite 5200  
Atlanta, GA 30308-2231  
dustin.weeks@troutmansanders.com

Robert Schaffer  
Troutman Sanders LLP  
875 Third Avenue New  
York, NY 10022  
robert.schaffer@troutmansanders.com

Patent Owner has consented to electronic service.

Date: March 7, 2019

By: /Steven Roth/  
Steven Roth  
Reg. No. 47,039