

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3 -----  
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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6 APOTEX INC. AND APOTEX CORP.

6

7 Petitioners,

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8 v.

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9 CELGENE CORPORATION

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10 Patent Owner

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11 -----  
12 Case IPR2018-00685

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13 Patent 8,741,929

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14

15 Telephonic Hearing before

15

16 Toni Scheiner, Lead Board Member,

16

17 Grace Oberman and Michael Hoelter

17

18 Wednesday, July 18, 2018

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19 11:30 a.m.

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22 Reported by:

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24 Kelli Ann Willis, RPR, CRR

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David Feldman Worldwide

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A P P E A R A N C E S

On behalf of the Petitioner:

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Also on the call:

Steptoe Summer Associates:

Henry Ard

David Feigenbaum

1 THE COURT: Good morning. This is AP  
2 Scheiner, and I have APs Oberman and Hoelter on  
3 the line with me, and may I ask if all parties  
4 are prepared to begin?

5 MR. MOLENDAS: Good morning, your Honor.  
6 We are, your Honor.

7 THE COURT: Okay. Wonderful.

8 What we are going to do, this -- this  
9 particular call is going to be probably a  
10 little bit different from calls that you are  
11 used to. What I want to start with is a roll  
12 call, but then I want to set some ground rules  
13 before anybody says anything of substance.

14 Since, as Petitioner asked for -- I'm  
15 sorry. I'm getting a little bit of echo. Are  
16 you hearing that?

17 MR. MOLENDAS: Not on our end, your Honor.  
18 This is Steptoe.

19 MR. CERRITO: Not on our end here either,  
20 your Honor.

21 THE COURT: It must be -- I guess it is  
22 just me. I can deal with it.

23 So, first of all, do we have a court  
24 reporter on the line? And who was responsible  
25 for retaining -- if so, who was responsible for

1 retaining the reporter?

2 MR. MOLEND A: Hi, your Honor. This is  
3 John Molenda from Steptoe on behalf of the  
4 Petitioner. We were responsible for that and  
5 we do indeed have a court reporter on the phone  
6 with us.

7 THE COURT: Wonderful. And after we have  
8 concluded this, could you be responsible for  
9 making sure that we get a copy of the  
10 transcript, please?

11 MR. MOLEND A: Absolutely.

12 THE COURT: Okay. Thank you.

13 So, okay, let's start the role call.  
14 Petitioner requested the call, so why don't we  
15 start with Petitioner, please.

16 And if you could spell your names for me,  
17 that would -- that would help.

18 MR. MOLEND A: Yes, your Honor. This is  
19 John Molenda, M-O-L-E-N-D-A. I will be arguing  
20 for Petitioner today.

21 THE COURT: Thank you.

22 MR. MOLEND A: And I'm joined by Vishal  
23 Gupta, V-I-S-H-A-L, G-U-P-T-A.

24 And I'm also joined by a couple of summer  
25 associates, Henry Ard, A-R-D, as in dog.

1 THE COURT: Uh-huh.

2 MR. MOLEND: As well as David Feigenbaum,  
3 F-E-I-G-E-N-B-A-U-M.

4 THE COURT: Thank you. And for Patent  
5 Owner?

6 MR. CERRITO: Good morning, your Honor.  
7 Nick Cerrito.

8 THE COURT: Good morning.

9 MR. CERRITO: Good morning.  
10 C-E-R-R-I-T-O.

11 THE COURT: Uh-huh.

12 MR. CERRITO: And Andrew Chalson,  
13 C-H-A-L-S-O-N, on behalf of Patent Owner.

14 THE COURT: Thank you very much.

15 Okay. Now, I want to set some ground  
16 rules here because this is a little bit of an  
17 unusual situation. Petitioner, as we  
18 understand the email, Petitioner is asking  
19 leave to file a Reply to the Preliminary  
20 Response to address certain -- one, certain  
21 mischaracterizations of prosecution history and  
22 asserted art; omission of controlling  
23 precedent; and reliance upon attorney argument  
24 in lieu of testimony.

25 Now, what I want to avoid at all costs is

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