

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MODERNA THERAPEUTICS, INC.,
Petitioner,

v.

PROTIVA BIOTHERAPEUTICS, INC.,
Patent Owner.

Case IPR2018-00739
Patent No. 9,364,435

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

Case IPR2018-00739
Patent 9,364,435

Pursuant to 37 C.F.R. § 42.70(a), Patent Owner Protiva Biotherapeutics, Inc. hereby provides this Request for Oral Argument regarding the unpatentability of claims 1-20 of U.S. Patent No. 9,364,435 on the instituted grounds, and issues briefed with respect thereto.

The Oral Argument is scheduled to be held June 6, 2019 pursuant to the Scheduling Order (Paper 16). Patent Owner requests 40 minutes per side of oral argument. Patent Owner requests further that the argument for this proceeding be held separate from and before the argument in co-pending IPR2018-00680. Moreover, given that each proceeding presents distinct issues, Patent Owner further requests a separate transcript for each proceeding.

Respectfully submitted,

Date: May 10, 2019

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
Reg. No. 52,182

Case IPR2018-00739
Patent 9,364,435

CERTIFICATE OF SERVICE

I certify that the foregoing Patent Owner's Request for Oral Argument Pursuant to 37 C.F.R. § 42.70 was served on this 10th day of May, 2019, on the Petitioner at the electronic service addresses of the Petitioner as follows:

Michael Fleming
C. Maclain Wells
IRELL & MANELLA LLP
mfleming@irell.com
mwells@irell.com
ModernaIPR@irell.com

Respectfully submitted,

Date: May 10, 2019

/ Michael T. Rosato /

Michael T. Rosato, Lead Counsel
Reg. No. 52,182