

Filed: October 7, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
SAWAI USA, INC., AND
SAWAI PHARMACEUTICAL CO., LTD.
Petitioner,

v.

BIOGEN MA INC.,
Patent Owner.

IPR2018-01403¹
Patent No. 8,399,514

PATENT OWNER'S REQUEST FOR ORAL HEARING

¹ Case IPR2019-00789 has been joined with this proceeding.

Patent Owner Biogen MA Inc. respectfully requests oral argument in IPR2018-01403 under 37 C.F.R. § 42.70(a) on all of the grounds instituted in this proceeding, including the following:

- Patentability of claims 1-20 of U.S. Patent No. 8,399,514 under 35 U.S.C. § 103(a) over the January Press Release (Ex. 1005) in view of Schimrigk 2004 (Ex. 1006) (Ground 1);
- Patentability of claims 1-20 of U.S. Patent No. 8,399,514 under 35 U.S.C. § 103(a) over Kappos 2006 (Ex. 1007) in view of Schimrigk 2004 (Ex. 1006) (Ground 2);
- Patentability of claims 1-20 of U.S. Patent No. 8,399,514 under 35 U.S.C. § 103(a) over Kappos 2006 (Ex. 1007) in view of WO '342 (Ex. 1008) (Ground 3);
- Patentability of claims 1-20 of U.S. Patent No. 8,399,514 under 35 U.S.C. § 103(a) over Kappos 2006 (Ex. 1007) in view of Joshi '999 (Ex. 1009), Clinical Trials (Ex. 1010), and ICH Guidelines (Ex. 1011) (Ground 4);
- Any issues raised by the grant of the Motion to Join Sawai and the underlying institution of Sawai's Petition, the joinder of IPR2019-00789 to this proceeding, Patent Owner's related request for rehearing, and any subsequent decisions regarding the request for rehearing; and

- Any additional issues raised by the parties in their papers, including but not limited to issues raised by Petitioner in its Reply, a request for oral argument, a motion to exclude (if any), or any other motion or paper filed by Petitioner before oral argument.

Patent Owner requests one hour and fifteen minutes of time to address these issues, including time for Patent Owner sur-rebuttal. To the extent the Board schedules a different amount of time, Patent Owner requests an amount of time equal to that granted to Petitioner. Patent Owner also requests the oral hearing be held at the USPTO Headquarters in Alexandria, Virginia.

Biogen requests the ability to use audio-visual equipment to display demonstrative exhibits, including a projector and screen to display PowerPoint slides. If this request for oral hearing is granted, Biogen will direct its requests for audio-visual equipment to Trials@uspto.gov.

Patent Owner also requests that ten spaces be reserved at the oral hearing to accommodate counsel and corporate representatives. Patent Owner also requests that two attorneys be allowed to use computers at the hearing.

U.S. Patent No. 8,399,514
IPR2018-01403

Dated: October 7, 2019

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Patent Owner's Request for Oral Hearing** was served electronically via the PTAB electronic filing system and via email on October 7, 2019, in its entirety, on the following:

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