

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELI LILLY AND COMPANY
Petitioner

v.

TEVA PHARMACEUTICALS INTERNATIONAL GMBH
Patent Owner.

Case IPR 2018-01422 (Patent No. 9,340,614)
Case IPR 2018-01423 (Patent No. 9,266,951)
Case IPR 2018-01424 (Patent No. 9,346,881)
Case IPR 2018-01425 (Patent No. 9,890,210)
Case IPR 2018-01426 (Patent No. 9,890,211)
Case IPR 2018-01427 (Patent No. 8,597,649)

RECORD OF ORAL HEARING
Held on November 22, 2019

Before JENNIFER MEYER CHAGNON, JAMES A. WORTH, and
RICHARD J. SMITH, *Administrative Patent Judges*.

Case IPR 2018-01422 (Patent No. 9,340,614)
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Case IPR 2018-01427 (Patent No. 8,597,649)

APPEARANCES:

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The above-entitled matter came on for hearing on Friday,
November 22, 2019, commencing at 1:00 p.m. at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR 2018-01422 (Patent No. 9,340,614)
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1 P-R-O-C-E-E-D-I-N-G-S

2 1:01 p.m.

3 JUDGE SMITH: Good morning, welcome. I'm Judge
4 Richard Smith. To my right here is Judge Jennifer Chagnon. To my
5 left is Judge James Worth. This hearing is the oral argument on six
6 cases between Petitioner, Eli Lilly and Company, and Patent Owner,
7 Teva Pharmaceuticals International GmbH.

8 I will now read in the six cases for the record with the
9 corresponding patent numbers. The first is IPR2018-01422, Patent
10 No. 9,340,614. Second is IPR2018-01423, Patent No. 9,266,951. The
11 third is IPR2018-01424, Patent No. 9,346,881. The fourth is
12 IPR2018-01425, Patent No. 9,890,210. The next one is
13 IPR2018-01426, Patent No. 9,890,211. The last one is
14 IPR2018-01427. That's Patent No. 8,597,649.

15 We note that Patent Owner filed several papers yesterday
16 evening that included a request for a stay of these proceedings. We
17 are proceeding today with oral argument, as scheduled. We'll start
18 with introductions. Counsel for Petitioner, if you could introduce
19 yourself.

20 DR. RAICH: Good afternoon Your Honors, Bill Raich, of
21 Finnegan, presenting for Petitioner Eli Lilly and Company. I have a

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1 number of counsel with me today, including, at counsel table, Pier
2 DeRoo and Yieyie Yang. There are also representatives from Eli
3 Lilly and Company that have come here to be here today, including
4 Mark Stewart, Sanjay Jiuraj, and Jerry Keleher.

5 JUDGE SMITH: Thank you. Patent Owner.

6 DR. STERLING: Good afternoon, Your Honors. My name is
7 Deborah Sterling. I'm from Sterne, Kessler, Goldstein & Fox. I'm
8 here on behalf of Patent Owner, Teva Pharmaceuticals International
9 GmbH. I'm joined at counsel's table by Olga Partington, also from
10 Sterne Kessler. I have with me, from Teva Pharmaceuticals, Lori
11 Wolfe and Alastair Sayce.

12 JUDGE SMITH: Thank you.

13 DR. STERLING: Thank you.

14 JUDGE SMITH: As you know, pursuant to our order of
15 October 31, 2019, each party has 60 minutes to present its arguments.
16 Petitioner has the burden of proving unpatentability of the claims, so
17 you will proceed first, followed by Patent Owner. Petitioner may
18 reserve time for rebuttal, and Patent Owner may reserve time for
19 surrebuttal. To the extent either party wants to argue any motions,
20 they may do so during their allotted 60 minutes. Likewise, to the

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1 extent either party wants to respond to any arguments about motions,
2 they may do so during their allotted 60 minutes.

3 During your presentations, please remember to clearly identify
4 any demonstrative exhibits, such as by slide or screen number. This
5 will ensure clarity and accuracy of the transcript. Please refrain from
6 interrupting either party while they're presenting their case. If you
7 have objections, you may raise those during your own allotted time
8 for argument. This hearing is an open hearing. It's open to the public.
9 Therefore, please refrain from disclosing any confidential
10 information. On that score, we actually have, as I understand it,
11 someone viewing the hearing from our San Jose regional office. Mr.
12 Raich, would you like to reserve time for rebuttal?

13 DR. RAICH: Yes, 15 minutes, please.

14 JUDGE SMITH: You may proceed when you're ready.

15 DR. RAICH: Your Honor, we have printed copies of our
16 demonstratives. If you would like, may we approach and provide
17 them?

18 JUDGE SMITH: Thank you, yes.

19 DR. RAICH: I'm here to tell you today that the challenged
20 claims would have been obvious. The prior art discloses all elements
21 of the claims. The prior art provides an express statement of

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