

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JUBILANT DRAXIMAGE INC.,  
Petitioner,

v.

BRACCO DIAGNOSTICS INC.,  
Patent Owner.

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Case IPR2018-01449  
U.S. Patent No. 9,299,467

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**PATENT OWNER'S MOTION TO MOVE THE ORAL ARGUMENT DATE**

Pursuant to the Board's email of September 25, 2019, Patent Owner submits this Motion to Move the Oral Argument Date.

Oral argument for the above identified IPR as well as related IPRs 2018-01448 and 2018-01450 (collectively "the IPRs") is currently scheduled for November 6, 2019. On this date, both lead counsel (Barry Schindler) and back-up counsel (Heath Briggs) for Patent Owner have an unavoidable conflict. Specifically, both Mr. Schindler and Mr. Briggs are required to attend an IP leadership summit for their firm (Greenberg Traurig) in Phoenix, AZ. Mr. Schindler and Mr. Briggs were made aware of the IP leadership summit on June 27, 2019. Mr. Schindler and Mr. Briggs identified the conflict shortly thereafter, and then conferred with Petitioner to obtain suitable alternative times. Patent Owner timely requested movement of the oral argument date thereafter, requesting its movement on September 3, 2019.

Attendance by both Mr. Schindler and Mr. Briggs at the firm's IP leadership summit is critical. Mr. Schindler is the Chair of firm's patent prosecution group. Mr. Briggs is in a leadership position for the firm's AIA trial practice group. The firm's IP leadership summit is a critical meeting for the firm. Approximately thirty members of the firm's leadership are traveling from all over the United States (including from Chicago, New York City, Morristown (NJ), Atlanta, San Francisco, Los Angeles, Denver and Washington DC) as well as from Berlin, Germany to

attend the summit. Attendees besides Mr. Schindler and Mr. Briggs include three Co-Chairs of the Global IP & Technology Practice, Chair and Vice Chair of the firm's Trademark & Brand Management Group, Vice-Chair of the Patent Prosecution Group, and two Co-Chairs of the firm's Data and Privacy Practice. It would be severely detrimental to the firm's summit if Mr. Schindler and Mr. Briggs were absent.

Attendance by both Mr. Briggs and Mr. Schindler at oral argument for these IPRs is also critical. The client expects Mr. Schindler to handle oral argument for these IPRs. Further, both Mr. Schindler and Mr. Briggs have been intimately involved with all aspects of these IPRs. It would be inefficient and inappropriate for other counsel to handle oral argument for these matters.

Further, there appears to be no prejudice in moving the oral argument date to another suitable day. Patent Owner has conferred with Petitioner, and both parties are available to attend oral argument any day of October 28-November 1, November 13-15, and November 18-22. Although less preferred, the parties are also available to attend oral argument any day of December 2-6 and December 9-13. A final written decision in these matters is not due until February 8, 2020. Further, the disputes between the parties are narrowly tailored. Thus, having the hearing as late as December 13 would still provide nearly two-months for the Board to issue final written decisions in these matters.

For the above reasons, Patent Owner respectfully moves the Board to provide for an alternative oral argument date for the above-identified IPRs, which alternative date may be any of the above-identified dates.

GREENBERG TRAURIG, LLP

Dated: September 30, 2019

/s/ Heath J. Briggs

Heath J. Briggs (Reg. No. 54,919)

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IPR2018-01449

U.S. Patent No. 9,299,467

Patent Owner's Motion to Move the Oral Argument Date

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of September, 2019, a copy of this Patent Owner's Motion to Move the Oral Argument Date has been served in its entirety via electronic mail by emailing Petitioner's lead and backup counsel at:

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as provided for by Petitioner's listed Service Information in its Petition.

Respectfully submitted,

GREENBERG TRAUERIG, LLP

Date: September 30, 2019

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