

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEPTUNE GENERICS, LLC,
Petitioner,

v.

CORCEPT THERAPEUTICS, INC.,
Patent Owner.

Case IPR2018-01494
Patent 8,921,348 B2

Record of Oral Hearing
Held: November 19, 2019

Before TINA E. HULSE, ROBERT A. POLLOCK, and DAVID COTTA,
Administrative Patent Judges.

Case IPR2018-01494
Patent 8,921,348 B2

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Case IPR2018-01494
Patent 8,921,348 B2

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The above-entitled matter came on for hearing on November 19,
2019, commencing at 1:00 PM ET, at the U.S. Patent and Trademark Office,
600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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3 USHER: All rise.

4 JUDGE POLLOCK: Please sit down. Good afternoon. This is the
5 final hearing in IPR2018-01494 regarding U.S. Patent Number 8,921,348.
6 Petitioner is Neptune Generics, LLC; Patent Owner is Corcept Therapeutics,
7 Incorporated. As set forth in our scheduling order of October 22, each side
8 has 60 minutes to present its case. I'm Judge Pollock. Judges Hulse and
9 Cotta are attending remotely from San Jose and Boston, respectively.

10 Counsel for Petitioner, would you kindly identify yourself and your
11 colleagues?

12 MR. MAY: Good afternoon, Your Honor. Christopher May and Ken
13 Goldman from Massey & Gail, LLP, representing Petitioner Neptune
14 Generics, and with us is Mr. Leonard Gail, also of Massey & Gail, and Mr.
15 Joshua Harris of Neptune Generics.

16 JUDGE POLLOCK: Counsel, would you like to set aside a portion of
17 your time for rebuttal?

18 MR. MAY: Yes, we would like 10 minutes for rebuttal.

19 JUDGE POLLOCK: Ten minutes. Counsel for Patent Owner, would
20 you kindly identify yourself?

21 MR. FRAZIER: Afternoon, Your Honor. David Frazier from Latham
22 & Watkins for the Patent Owner. I'm joined today by Michelle Ernst and
23 Bob Steinberg also from Latham & Watkins. We also have today with us
24 Charlie Robb who is the CFO of Corcept and we're also joined by Dr.
25 Joseph Belanoff who's the CEO of Corcept and also the inventor on the 348
26 (inaudible) patent that we're talking about today.

1 JUDGE POLLOCK: Welcome, Mr. Frazier. Our trial order permits
2 Patent Owner to reserve time for sur-rebuttal. Would you like to take
3 advantage of that opportunity?

4 MR. FRAZIER: I'd like five minutes, if I could, Your Honor.

5 JUDGE POLLOCK: Okay, a few matters of housekeeping before we
6 begin. I'd like to remind the parties that this hearing is open to the public,
7 and a full transcript of the hearing will be made part of the record. Most
8 importantly, when you refer to an exhibit on the screen, please state the slide
9 or page number for the record. This very important both for clarity of the
10 record and because Judges Hulse and Cotta are following on courtesy copies
11 of the demonstratives and they're unable to see what you're pointing to on
12 the slide on the screen.

13 In addition, in today's presentations it would be helpful for the parties
14 to address first whether a person of ordinary skill in the art would have
15 considered blood serum levels to modify dosage for the drugs used to treat
16 psychiatric disorders, and second, whether Sitruk-Ware's disclosure of blood
17 serum levels of 2,000 nanogram per mL, assuming that number to be
18 accurate, meets the claim requirement for a blood serum level of 1,300
19 nanogram per mL. That said, the parties of course are free to allocate the
20 times they see fit.

21 MR. GOLDMAN: Could you repeat those two points?

22 JUDGE POLLOCK: Sure. Whether one of ordinary skill in the art
23 would have considered blood serum levels to modify dosage for the drugs
24 used to treat psychiatric disorders, and whether Sitruk-Ware's disclosure of
25 blood serum levels of 2,000 nanograms per mL, assuming that is accurate,

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