

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. REDDY'S LABORATORIES S.A. and DR. REDDY'S
LABORATORIES, INC.,
Petitioners,

v.

INDIVIOR UK LIMITED,
Patent Owner.

Case IPR2019-00329
Patent No. 9,687,454 B2

Before SUSAN L. C. MITCHELL, ZHENYU YANG, and RICHARD J.
SMITH, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Pursuant to our scheduling order, oral argument is scheduled to proceed on March 3, 2020, if requested by the parties. Paper 22. Petitioner and Patent Owner have both requested oral argument. Papers 43, 44. The requests are *granted* pursuant to the terms set forth below.

The oral argument will commence at **1:00 PM EST on Tuesday, March 3, 2020**, at the USPTO headquarters in Alexandria, Virginia (Hearing Room B). The oral argument will be open to the public for in-person attendance, which will be accommodated on a first-come, first-served basis.

Petitioner requests a total of no more than 60 minutes of argument time per side. Paper 43. Patent Owner requests a total of 45 minutes of argument time per side. Paper 44, 2. Each party will have **45 minutes** total time to present arguments.

The Board will provide a court reporter for the oral argument, and the reporter's transcript will constitute the official record of the oral argument. The parties are directed to contact the Board at least 10 days in advance of the hearing if there are any concerns about disclosing confidential information. To facilitate planning, each party must send an email message to PTABHearings@uspto.gov five days prior to the hearing if the number planning to attend the hearing in-person for its side (attorneys and others) exceeds five people.

Petitioner bears the ultimate burden of proof that Patent Owner's patent claims at issue are unpatentable. Therefore, at oral argument, Petitioner will proceed first to present its case with respect to the pending grounds of unpatentability. Petitioner may reserve some of its argument time for rebuttal, but may not reserve more than half of its allotted time for rebuttal. Patent Owner will then respond to Petitioner's initial presentation.

Petitioner may then use the time it has reserved to reply to Patent Owner's presentation. Patent Owner is permitted the opportunity to present a brief sur-rebuttal if requested at the hearing.

The parties shall serve any demonstrative exhibits on opposing counsel at least seven business days before the hearing (i.e. by February 21, 2020). 37 C.F.R. § 42.70. The parties shall also provide a courtesy copy of any demonstrative exhibits to the Board by February 26, 2020, by emailing them to Trials@uspto.gov. Notwithstanding 37 C.F.R. § 42.70(b), the parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board. Each party shall also provide a hard copy of its demonstrative exhibits to the court reporter and panel at the hearing.

Demonstrative exhibits are not evidence, but merely a visual aid for use at the hearing, and should be clearly marked as such. For example, each slide of the demonstratives may be marked with the words "DEMONSTRATIVE EXHIBIT – NOT EVIDENCE" in the footer. Demonstrative exhibits shall not introduce new arguments or evidence. The parties shall meet and confer in good faith to discuss any objections to demonstrative exhibits at least three (3) business days before the hearing. If any issues regarding demonstratives remain unresolved after the parties meet and confer, the parties shall jointly file a one-page list of objections to the demonstrative exhibits with the Board by February 27, 2020. For each objection, the list must identify with particularity the demonstratives subject to the objection and include a short, one-sentence statement explaining the objection. We will consider the objections and schedule a conference call if necessary. Otherwise, the Board will reserve ruling on the objections until after the oral argument. Any objection to

demonstrative exhibits that is not timely presented will be considered waived.

Regardless of whether either party disputes the propriety of any demonstrative exhibit, we consider demonstrative exhibits only to the extent (1) they elucidate the parties' arguments presented during the hearing *and* (2) they include only arguments and/or evidence already of record in the proceeding. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), for guidance regarding the appropriate content of demonstrative exhibits.

The parties are advised that at least one member of the panel will be attending the hearing from a remote location. The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript and the ability of the judge participating remotely to follow the presenter's arguments. The parties should note that the remote judge will not be able to see what is projected on the screen in the hearing room.

The Board expects lead counsel for each party to be present at oral hearing, although any backup counsel may make the actual presentation, in whole or in part. If either party expects that its lead counsel will not be attending the oral hearing, the Board should be notified via a joint telephone conference call no later than two business days before the oral hearing to discuss the matter.

The parties may request the use of audio-visual equipment during the oral hearing. Formal requests are to be made by February 26, 2020, and

should be sent to Trials@uspto.gov. If the request is not timely, the equipment may not be available on the day of the hearing.

If a party requires a different arrangement, the party should contact the Board as directed below with their request. For example, a party may request that counsel be permitted to present arguments remotely from an alternative USPTO location. The available locations include the Texas Regional Office in Dallas, Texas; the Rocky Mountain Regional Office in Denver, Colorado; the Elijah J. McCoy Midwest Regional Office in Detroit, Michigan; and the Silicon Valley Office in San Jose, CA. To request that counsel be permitted to present arguments from a remote location, a party should send an email message to PTABHearings@uspto.gov at least ten business days or as soon as practical prior to the hearing and provide a short statement of reasons for the request. The Board will notify the parties if the request is approved.

Approval of the request does not guarantee that a panel member will be present at the remote location. A party may also request remote video attendance for one or more of its other attendees to view the hearing from any USPTO location. To request remote video viewing, a party must send an email message to PTABHearings@uspto.gov ten business days prior to the hearing, indicating the requested location and the number planning to view the hearing from the remote location. The Board will notify the parties if the request for remote video viewing is granted. Note that it may not be possible to grant the request due to the availability of resources.

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may also indicate any special requests related to appearing at an in-person oral hearing, such as a request to accommodate physical needs that limit mobility or visual or hearing

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