

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MODERNA THERAPEUTICS, INC.,  
Petitioner,

v.

PROTIVA BIOTHERAPEUTICS, INC.,  
Patent Owner.

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Case No. IPR2019-00554  
Patent No. 8,058,069

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**PETITIONER'S REQUEST FOR ORAL ARGUMENT**

Mail Stop: PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.70(a) and Scheduling Order, Paper 9, ModernaTX, Inc.<sup>1</sup> (“Petitioner”) respectfully requests an oral hearing in this matter. Petitioner further requests (without any intent to waive consideration of any issue not requested) 45 minutes of total argument time per side to address the following issues, with the opportunity to reserve a portion of that time for rebuttal:

1. The proper construction of claim elements in U.S. Patent No. 8,058,069;
2. The unpatentability of claims 1-22 of U.S. Patent No. 8,058,069 under §102 and §103 and in view of either the WO2005/007196 (“’196 PCT”) or the US2006/0134189 (“’189 publication”);
3. The unpatentability of claims 1-22 of U.S. Patent No. 8,058,069 under §103 in view of each of the ’196 PCT or the ’189 publication in view of Lin and/or Ahmad;
4. The unpatentability of claims 1-22 of U.S. Patent No. 8,058,069 under §102 and §103 in view of US2006/0240554 (“’544 publication”);

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<sup>1</sup> ModernaTX, Inc. was formerly known as Moderna Therapeutics, Inc.

5. To respond to any issues specified by Patent Owner in its request for oral argument or otherwise presented by the Patent Owner; and,
6. To address any additional issues on which the Board seeks clarification.

Per the Scheduling Order (Paper 9), Petitioner understands that oral argument in IPR2019-00554 will be held on April 22, 2020.

Petitioner requests the ability to use audio/visual equipment to display demonstrative exhibits, including the use of a computer, projector, and screen for a PowerPoint display. In accordance with the Trial Practice Guide (77 Fed. Reg. at 48768) and Section II.M of the Consolidated Trial Practice Guide (2019), Petitioner will contact the Board Trial Division paralegal to discuss this request.

Dated: March 11, 2020

Respectfully submitted,

*/Michael R. Fleming/*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, pursuant to 37 CFR § 42.6(e), a copy of the foregoing **PETITIONER'S REQUEST FOR ORAL ARGUMENT** was served electronically via electronic mail on counsel for the Patent Owner as follows:

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March 11, 2020

By: /Susan M. Langworthy/  
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