

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NALOX-1 PHARMACEUTICALS, LLC,
Petitioner,

v.

ADAPT PHARMA OPERATIONS LIMITED, AND
OPIANT PHARMACEUTICALS, INC.
Patent Owners.

CASE IPR2019-00694
U.S. Patent No. 9,629,965

**PETITIONER NALOX-1 PHARMACEUTICALS, LLC's
REQUEST FOR ORAL ARGUMENT**

***IPR2019-00694 – U.S. Patent No. 9,629,965
Petitioner’s Request for Oral Argument***

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order entered on September 11, 2019, and the Conduct of Proceedings Order entered on November 25, 2019, Petitioner Nalox-1 Pharmaceuticals, LLC (“Petitioner”) respectfully requests oral argument on May 19, 2020. Petitioner proposes (and Patent Owners agree) that the Board conduct a consolidated proceeding in *Inter Partes* Review Nos. IPR2019-00685, -00688, and -00694, as well as any matters joined therewith, as these cases all are scheduled for hearing on the same date, relate to related patents, and the challenge is on identical art.

For these proceedings, the parties have agreed that Petitioner will have a total of forty-five (45) minutes to present its arguments, including time to be reserved for rebuttal, and that Patent Owners will have a total of forty-five (45) minutes to present its responsive arguments, subject to approval by the Board.

The parties will exchange demonstrative exhibits seven (7) business days in advance of the oral hearing in accordance with 37 C.F.R. § 42.70(b). The parties have agreed that any demonstratives will address the issues for all three of IPR2019-00685, -00688, and -00694 per side, and that any references to exhibits and papers will be made to the exhibits and papers filed in IPR2019-00688 for issues common across all IPRs, except that references to other proceedings’ pleadings and exhibits may be made only when necessary to address issues specific to those proceedings.

*IPR2019-00694 – U.S. Patent No. 9,629,965
Petitioner’s Request for Oral Argument*

Without waiving any issue not specifically listed below, Petitioner identifies the following issues to be argued at the May 19, 2020 hearing:

1) Whether it would have been obvious to a person of ordinary skill in the art (“POSA”) to use benzalkonium chloride (“BAC”) in an intranasal naloxone formulation;

2) Whether the claimed dose of 4 mg of naloxone hydrochloride would have been obvious to a POSA;

3) Whether any evidence of secondary considerations supports patentability, including the following:

- a. Unexpected results;
- b. Skepticism;
- c. Failure of others;
- d. Long-felt but unresolved need; and
- e. Commercial success.

4) Arguments and evidence presented in any motions to exclude evidence or response thereto.

5) Any other issues that the Board deems necessary to issue a final written decision.

Petitioner requests the use of audio/visual equipment to display demonstrative exhibits, including the use of a document camera or “Elmo,” and a

***IPR2019-00694 – U.S. Patent No. 9,629,965
Petitioner's Request for Oral Argument***

computer/projector/screen system. In accordance with Trial Practice Guide, 77 Fed. Reg. at 48768, Petitioner will work with the Board Trial Division regarding this request.

***IPR2019-00694 – U.S. Patent No. 9,629,965
Petitioner's Request for Oral Argument***

Date: April 6, 2020

Respectfully submitted,

/s/ Yelee Y. Kim

Yelee Y. Kim, Reg. No. 60,088

ARENT FOX LLP

1717 K Street, NW

Washington, DC 20006

202.857.6000

Counsel for Petitioner

Nalox-1 Pharmaceuticals, LLC

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.