

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDOZ INC.,
Petitioner

v.

PHARMACYCLICS LLC,
Patent Owner.

U.S. Patent No. 9,795,604 to Byrd *et al.*

Issue Date: October 24, 2017

Title: Methods of Treating and Preventing Graft Versus Host Disease

Inter Partes Review No.: IPR2019-00865

PETITIONER'S REQUEST FOR ORAL HEARING

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board

U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. 42.70(a) and the Board's September 30, 2019 Scheduling Order (Paper 9), Petitioner Sandoz Inc. respectfully requests oral argument. Pursuant to the Scheduling Order, oral argument is currently scheduled to take place on June 19, 2020.

Petitioner respectfully requests that the Board allocate 45 minutes per side to present arguments, including any rebuttal arguments. To the extent the Board schedules a different amount of time, Petitioner requests an amount of time equal to the time allotted to Patent Owner.

Petitioner further requests permission to present its argument first, as the party bearing the burden of showing unpatentability of the challenged claims, and that Petitioner be permitted to reserve time for rebuttal following Patent Owner's allotted argument time.

Without intending to waive any issue not specifically identified, Petitioner identifies the following issues for presentation at oral argument:

1. The anticipation of claims 1, 4, 6–10, 13, 15, 24, 28–31, 35, 39, 43–46, 50–53, and 55 by the '085 Publication;
2. The obviousness of claims 1, 4, 6–10, 13, 15, 24, 28–31, 35, 39, 43–46, 50–53, and 55 over the '085 Publication and the knowledge of a person of ordinary skill in the art;

3. The obviousness of claims 1, 4, 6–10, 13, 15, 24, 28–31, 35, 39, 43–46, 50–53, and 55 over the '085 Publication in view of Shimabukuro-Vornhagen and Herman;
4. The obviousness of claims 1, 4, 6–10, 13, 15, 24, 28–31, 35, 39, 43–46, 50–53, and 55 over the '085 Publication in view of Shimabukuro-Vornhagen and Uckun;
5. Any motions or issues that remain pending at the time of the oral argument;
6. Reply to Patent Owner's presentation on all matters; and
7. Additional issues raised by the Board or Patent Owner during oral argument.

Pursuant to the Office's notice issued on March 13, 2020, Petitioner understands that all PTAB oral hearings scheduled to take place after March 13, 2020 will be conducted remotely and that the Board will provide the parties with instructions on how to participate by video or telephone in advance of the hearing.

In the event that the current restrictions are lifted such that the argument may be conducted in person, Petitioner further requests the following.

Petitioner requests that oral argument be held at the USPTO main office in Alexandria, Virginia.

Petitioner requests the ability to use audio-visual equipment to display demonstrative exhibits and evidence of record from a laptop computer, including the use of a projector with HDMI input and a screen to display PowerPoint slides.

Petitioner requests that up to three attorneys be allowed to use computers at the hearing.

Date: May 14, 2020

RESPECTFULLY SUBMITTED,

ALSTON & BIRD LLP

/Kirk T. Bradley/

Kirk T. Bradley

Registration No. 46,571

*Counsel for Petitioner
Sandoz Inc.*

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that on May 14, 2020, a complete copy of the foregoing Petitioner's Request for Oral Hearing was served via electronic mail to the Patent Owner by serving their attorneys of record:

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Respectfully submitted,

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