

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFENEX, INC.,
Petitioner,

v.

GLAXOSMITHKLINE BIOLOGICALS SA,
Patent Owner.

IPR2019-01028
Patent 9,422,345 B2

Record of Oral Hearing
Held: September 9, 2020

Before SHERIDAN K. SNEDDEN, JO-ANNE M. KOKOSKI, and
RICHARD J. SMITH, *Administrative Patent Judges*.

IPR2019-01028
Patent 9,422,345 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JEFFREY GUISE, ESQUIRE
LORELEI P. WESTIN, ESQUIRE
ALICIA LIPOSHIK, ESQUIRE
Wilson Sonsini Goodrich & Rosati
12235 El Camino Road
San Diego, California 92130-3002

LORA M. GREEN, ESQUIRE
Wilson Sonsini Goodrich & Rosati
1700 K Street, NW.
Washington, D.C. 20006

WENDY L. DEVINE, ESQUIRE
Wilson Sonsini Goodrich & Rosati
One Market Plaza
Spear Tower, Suite 3300
San Francisco, California 94105

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ON BEHALF OF THE PATENT OWNER:

CHARLES E. LIPSEY, ESQUIRE
Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP
Two Freedom Square
11955 Freedom Drive
Reston, Virginia 20190-5675

AMANDA K. MURPHY, ESQUIRE
TRENTON A. WARD, ESQUIRE
YIEYIE YANG, ESQUIRE
Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP
901 New York Avenue, NW.
Washington, D.C. 20001-4413

The above-entitled matter came on for hearing on Wednesday,
September 9, 2020, commencing at 1:00 p.m. EDT, by video/by telephone.

1 PROCEEDINGS

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4 JUDGE SMITH: Good afternoon this is the oral hearing in IPR2019-
5 01028. I am Judge Smith and I am joined by Judge Snedden and Judge
6 Kokoski. May we have appearances for the parties beginning with the
7 petitioner.

8 MR. GUISE: Morning your honors, this is Jeff Guise for petitioner
9 Pfenex. We have several people in the room that you cannot see. We have
10 Lori Westin, we have Alicia Liposhik, we have Lora Green on the phone.
11 And we also have, from the company, we have Diane Retallick who is on
12 the audio line. Today, Wendy Devine is going to do the argument for the
13 petitioner and thank you very much for listening to us.

14 MS. DEVINE: Good Morning

15 JUDGE SMITH: Good Morning. Patent Owner.

16 MS. MURPHY: Good afternoon your honors, I am Amanda Murphy
17 appearing on behalf of patent owner Glaxosmithkline. I will be arguing
18 patent education sheet on co construction and non obviousness of the
19 original endomomic claim. We would like to thank your honors for
20 allowing my colleague Dr. Yang to join me today under the office of LEAP
21 program. Dr. Yang will be arguing the statutory requirement of patent
22 owner's motion to amend. I have in the room with me today Charles Lipsey
23 and Trenton Ward. We understand that in view of Dr. Yang's participation
24 we will receive an additional 15 minutes of arguing time. We will reserve
25 15 minutes for our rebuttal.

1 JUDGE SMITH: Thank you. We set forth a procedure in how we are
2 going to handle the oral hearing today in our order dated August 5th. As a
3 reminder we are going to go over a few things before we get started. First, a
4 public audio link has been requested for this hearing and I just learned that
5 apparently it is active. The parties have not identified any confidential
6 information to be discussed during the hearing but please be aware that other
7 persons may be listening to the hearing. Petitioner has the burden of
8 showing unpatentability of the challenged claims and will go first. Patent
9 Owner will then have the opportunity to respond. Each party has requested
10 and been granted 60 minutes total time with the exception, as noted, that
11 patent owner has requested and been granted an additional 15 minutes to
12 accommodate Ms. Yang as the LEAP attorney. A party may reserve some
13 of its time for rebuttal. Please let us know before you begin how much
14 rebuttal time you would like and when you would like a warning that your
15 time is almost up. Judge Snedden will be monitoring our time today.

16 A couple of pointers regarding speaking. Be sure to unmute yourself,
17 but only when you are speaking. Identify yourself each time you speak.
18 Observe a pause prior to speaking because there may be a delay in
19 transmission of words spoken by the previous speaker. This is intended to
20 avoid speaking over others. Identify clearly and specifically, each
21 demonstrative or exhibit you refer to, such as by slide number or exhibit
22 number and page, so that the court reporter's transcript will be clear and
23 accurate. And to permit the judges to follow the arguments. Petitioner
24 would you like to reserve some time?

25 MS. DEVINE: Thank you your honor. We would like to reserve 20
26 minutes please.

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