

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., DR. REDDY'S
LABORATORIES, INC., DR. REDDY'S LABORATORIES, LTD., and
SUN PHARMACEUTICALS INDUSTRIES LTD.,
Petitioners,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

IPR2020-00040¹
Patent 7,326,708

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

¹ Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. were joined as parties to this proceeding via a Motion for Joinder in IPR2020-01060; and Sun Pharmaceuticals Industries Ltd. was joined as a party to this proceeding via Motion for Joinder in IPR2020-01072.

Pursuant to 37 C.F.R. § 42.70 and DUE DATE 4 of the Board's Amended Scheduling Order (Paper 39), Patent Owner Merck Sharp & Dohme Corp. respectfully requests oral argument, which is currently scheduled to take place on February 11, 2021. Patent Owner specifies, without intent to waive consideration of any issue not listed below, the following issues for argument:

1. Patentability of the challenged claims, including but not limited to all issues raised in the Petition, Patent Owner's Preliminary Response, Patent Owner's Response, Petitioner's Reply, and Patent Owner's Sur-reply; the declarations of Dr. Mukund Chorghade, Dr. Allan S. Myerson, Dr. Adam J. Matzger, Vicky Vydra, Dr. Robert Wenslow, Russell R. Ferlita, Joanne Diddle, Dr. Gary Herman, Stephen Howard Cypes, Dr. Karl B. Hansen, and Dr. Rebecca Leigh Shultz; as well as all other exhibits filed in this proceeding;
2. Any motion to exclude filed in this proceeding;
3. Any additional issues identified in Petitioners' request for oral argument; and
4. Any additional issues identified by the Board.

REQUESTED ARGUMENT DURATION

Patent Owner has met and conferred with Petitioners and the parties agree that each side should be allotted one (1) hour to present their respective arguments, for a total argument time of two (2) hours.

EQUIPMENT REQUEST & VENUE

Patent Owner requests audiovisual equipment to display demonstrative exhibits, including equipment necessary to allow the exhibits to be viewed by any Judge participating remotely. Patent Owner acknowledges that according to the Board's Scheduling Order (Paper 22), oral argument will be held at the U.S. Patent & Trademark Office headquarters in Alexandria, Virginia, but that in light of the ongoing COVID-19 pandemic and the Board's March 13, 2020 notice (<https://www.uspto.gov/about-us/news-updates/uspto-update-person-meetings>), the oral argument will be conducted remotely by video or telephone. Patent Owner does not request a different venue, but would prefer an in-person argument, should one become feasible. Should the parties be unable to present oral argument in person, Patent Owner respectfully requests that oral argument be conducted by videoconference (*e.g.*, Webex) rather than teleconference, if possible.

Date: December 30, 2020

Respectfully submitted,

/Stanley E. Fisher/

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CERTIFICATION UNDER 37 C.F.R. § 42.24(d)

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a true and correct copy of the foregoing was served on December 30, 2020, by delivering a copy via electronic mail on the following attorneys of record:

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