

IN THE 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.¹

Petitioner,

v.

MERCK SHARP & DOHME CORP.
Patent Owner.

Case IPR2020-00040

U.S. Patent 7,326,708 B2

PETITIONER'S REQUEST FOR ORAL ARGUMENT

¹ Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. were joined as a party 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(a) and the Amended Scheduling Order (Paper 39), Petitioner Mylan Pharmaceuticals Inc. respectfully submits this Request for Oral Argument. As set forth in the Scheduling Order, the Board has scheduled oral argument for February 11, 2021. Paper 39 at 3.²

Petitioner specifies the following issues to be argued:

- a. The patentability of Claims 1–3, 17, 19, and 21–23 as being anticipated by WO 03/004498 A1, (EX1004) (Ground 1);
- b. The patentability of Claims 1–3, 17, 19, and 21–23 as being anticipated by US 6,699,871 B2, (EX1007) (Ground 2);
- c. The patentability of Claims 3, 17, 19, and 21–23 as being obvious over WO 03/004498 A1, (EX1004) (Ground 3);
- d. The patentability of Claims 1–3, 17, 19, and 21–23 as being obvious over WO 03/004498 A1, (EX1004) and Bastin (EX1006) (Ground 4)
- e. The patentability of Claim 4 as being obvious over WO 03/004498 A1, (EX1004), Bastin (EX1006), and Brittain (EX1005) (Ground 5);

² This same date for the Oral Argument is reflected in the Original Scheduling Order.

Paper 22 at 10.

- f. The patentability of Claim 4 as being obvious over WO 03/004498 A1, (EX1004), and Brittain (EX1005) (Ground 6);
- g. Any issues identified in Patent Owner's Request for Oral Argument;
- h. Rebuttal to Patent Owner's presentation on all matters;
- i. Any other issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed or filed concurrently (such as Motions to Exclude); and
- j. Any additional issues on which the Board seeks information or clarification.

Petitioner further requests permission to use audio/visual equipment at the oral argument, including a computer, projector, and screen for displaying demonstratives and/or exhibits. Such demonstrative exhibits will be served in due course according to 37 C.F.R. § 42.70(b). Petitioner requests equal time with Patent Owner, and after conferring with Patent Owner, proposes that one hour per side should be sufficient for the Parties to present their respective arguments and discussion. Should the PTAB conduct the hearing live, Petitioner Mylan does not anticipate that more than six (6) individuals will attend the argument on its behalf.

Date: Dec. 30, 2020

RESPECTFULLY SUBMITTED,

Katten Muchin Rosenman LLP

/ Jitendra Malik /

Jitendra Malik (Reg. No. 55,823)

Lead Counsel for Petitioner

CERTIFICATION OF SERVICE ON PATENT OWNER

Pursuant to 37 C.F.R. §§ 42.6(e), 42.8(b)(4), and 42.105, the undersigned certifies that on December 30, 2020, a complete copy of the foregoing Paper, were served via email to the Patent Owner by serving the correspondence address of record and joinder Petitioners:

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