

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PROLLENIUM US INC.,  
Petitioner,

v.

ALLERGAN INDUSTRIE, SAS,  
Patent Owner.

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IPR2019-01505 (Patent 8,450,475 B2)  
IPR2019-01506 (Patent 8,357,795 B2)  
IPR2019-01508 (Patent 9,238,013 B2)  
IPR2019-01509 (Patent 9,358,322 B2)  
IPR2019-01617 (Patent 8,822,676 B2)  
IPR2019-01632 (Patent 8,357,795 B2)  
IPR2020-00084 (Patent 9,089,519 B2)

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**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT<sup>1</sup>**

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<sup>1</sup> Authorization for the use of a joint caption page was received on April 27, 2020. Neither party opposes the use of a joint caption page. An identical paper has been filed in each case recited in the consolidated caption.

Patent Owner Allergan Industrie, SAS, (“Allergan”), respectfully requests oral argument in the above-captioned IPR proceedings on issues related to U.S. Patent Nos. 8,450,475; 8,357,795; 9,238,013; 9,358,322; 8,822,676; and 9,089,519. Patent Owner intends to present arguments on the following issues:

1. All grounds on which trials were instituted, including all issues raised by the parties’ papers;
2. Any issue raised by either party in a motion to exclude, objections to demonstrative exhibits, Patent Owner's Identification of Improper New Arguments and Evidence, or any other motion or paper filed by either party before oral argument;
3. Rebuttal to any issue raised by Petitioner during its presentation at oral argument; and
4. Any additional issue on which the Board seeks information or clarification.

The Board has scheduled Oral Argument in the above-captioned proceedings to be held on January 12, 2021. *See, e.g.*, IPR2019-01617, Paper 18. While the parties and counsel are the same in all proceedings, the IPRs have been assigned to two panels: a first panel (Administrative Patent Judges New, Snedden and Pollock) for IPR2019-01505, IPR2019-01508, IPR2019-01509, IPR2019-01617 and IPR2020-00084; and a second panel (Administrative Patent Judges Obermann, Snedden and Pollock) for IPR2019-01506 and IPR2019-01632. Patent Owner

respectfully suggests that with 7 IPRs, 6 patents, 28 grounds, and 2 panels, a combined, two-day hearing the week of January 12, 2021, for all proceedings is appropriate.

Patent Owner further requests that each party be given ninety (90) minutes of time each day for its respective presentation, inclusive of any time reserved for rebuttal. Since Prolenium has raised a variety of similar, though not identical, grounds across these proceedings, Patent Owner has organized Petitioner's grounds across the seven IPRs into four related Groups. Group A comprises 12 total obviousness grounds—11 pertaining to Lebreton and Sadozai, plus 1 ground based on the CTA Summary in the -1632 IPR—that appear in all seven petitions, as do the 8 Group B grounds, pertaining to Kinney and Zhao. Group C grounds, citing Reinmuller and Lebreton, are only raised in the -1506, -1508, and -1509 IPRs, and Group D grounds, which cite four different references for anticipation, are only raised in the -0084 IPR. Appendix A attached provides further detail on these Groups. For the sake of efficiency, Patent Owner suggests that the Board divide the issues for presentation as follows:

<b>DAY 1</b>	State of the Art
	Group A: Lebreton + Sadozai (& CTA Summary in -1632 IPR)
<b>DAY 2</b>	Group B: Kinney + Zhao
	Group C: Reinmuller + Lebreton (-1506, -1508, -1509 IPRs)
	Group D: Anticipation Grounds (-0084 IPR)

On Day 1, the parties would address the State of the Art, which would be common across all proceedings, and the Group A grounds. On Day 2, the three remaining groups would be addressed in sequence. The parties would first argue the Group B grounds, followed by Group C grounds and then Group D grounds.

Petitioner and Patent Owner have met and conferred to discuss the oral argument and while the parties currently disagree, they have agreed to continue discussions further and to jointly request a pre-hearing conference call prior to oral argument.

Respectfully submitted,

Dated: November 17, 2020

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