

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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PETITIONER'S REQUEST FOR ORAL ARGUMENT  
UNDER 37 C.F.R. § 42.70(a)<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.

In accordance with 37 C.F.R. § 42.70 and the Board's April 13, 2020, Scheduling Order, Petitioner Prolenium US Inc. (Prolenium) requests oral argument in the seven proceedings identified in the joint caption above.

## **I. ORAL ARGUMENT CONSOLIDATION AND TIMING**

Petitioner and Patent Owner Allergan Industrie, SAS (Allergan) have conferred about the timing and overall structure of the hearing. Both parties agree a consolidated hearing addressing all seven matters would be the most efficient way to address these related proceedings. The Board's Joint Scheduling Order previously scheduled oral argument for January 12, 2021, for all seven proceedings. See IPR2019-01505, Paper 19, 11.

The parties differ on the amount of time to present argument to the Board. Prolenium requests up to two hours of argument be allocated per party, i.e., four hours total. While the cases involve six different patents across seven proceedings, Prolenium believes that, given the substantially overlapping grounds and factual issues, ninety minutes (or at most two hours) should be sufficient for each side.<sup>2</sup>

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<sup>2</sup> Prolenium understands that Allergan intends to request a multi-day hearing of approximately ninety minutes per party, per day (six hours total). Prolenium believes the time requested is excessive and unnecessary, and that the hearing can be completed in one day.

The parties have preliminarily discussed further sub-division of time among the various grounds. The parties plan to discuss that further and may request a pre-hearing conference to further discuss organization with the Board and/or address motions filed after the close of briefing.

## II. ISSUES TO BE ARGUED

Under 37 C.F.R. § 42.20(a), Prolenium requests oral argument on all issues raised in the parties' papers, including the instituted Grounds of Unpatentability presented in the proceedings (as set forth in the sections and tables below), any motion to exclude that may be filed by Allergan, any issues requested by Allergan, and any responses to issues that the Board deems necessary for issuing a final written decision.

### A. Obviousness grounds based on combination of *Lebreton* and *Sadozai*

IPR No.	Patent	Ground	Claims	Additional References in Ground
2019-01505	475	1	1-9, 18, 27-37	Monheit
		2	1-9, 18	Clark
		3	27-37	Smith
2019-01506	795	1	1-11, 22, 40-41	—
2019-01508	013	1	1-4	Monheit
2019-01509	322	1	1-4	Monheit
		2	2	Smith
2019-01617	676	1	1, 3-31	CTA Summary
		2	2	CTA Summary, Monheit
2019-01632	795	2	26-39	—
2020-00084	519	4	1-8	—

IPR2019-01505, IPR2019-01506, IPR2019-01508, IPR2019-01509,  
IPR2019-01617, IPR2019-01632, IPR2020-00084

**B. Obviousness grounds based on combination of *Kinney, Zhao, and Narins***

IPR No.	Patent	Ground	Claims	Additional References in Ground
2019-01505	475	4	1-9, 18, 27-37	Monheit
		5	1-9, 18	Clark
		6	27-37	Smith
2019-01506	795	2	1, 3-11, 40-41	—
2019-01508	013	2	1-4	—
2019-01509	322	3	1-4	Monheit
		4	2	Smith
2019-01617	676	3	1-31	—

**C. Obviousness grounds based on combination of *Reinmuller and Lebreton***

IPR No.	Patent	Ground	Claims	Additional References in Ground
2019-01506	795	3	1, 3-11, 40-41	—
2019-01508	013	3	1-4	Monheit
2019-01509	322	5	1-4	Monheit
		6	2	Smith

**D. Other petitioned grounds of unpatentability**

IPR No.	Patent	Ground	Claims	Basis	Asserted References
2019-01632	795	1	26-39	103	CTA Summary
2020-00084	519	1	1-4	102(a)(1)	PMA P050047/S005
		2	1-4	102(a)(1)	Weinkle
		3	1-4	102(a)(1)	U.S. 2010/0028438
		5	1-8	103	PMA P050047, Kinney

IPR2019-01505, IPR2019-01506, IPR2019-01508, IPR2019-01509,  
IPR2019-01617, IPR2019-01632, IPR2020-00084

Respectfully submitted,

/Warren Thomas/

Warren J. Thomas (Reg. No. 70,581)

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