

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROLLENIUM U.S., INC.,
Petitioner,

v.

ALLERGAN INDUSTRIE, SAS
Patent Owner.

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

Record of Oral Hearing
Held: January 12, 2021

Before GRACE KARAFFA OBERMANN, JOHN G. NEW,
SHERIDAN K. SNEDDEN, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.¹

¹ This is not an expanded panel. The panel for IPR2019-01506 and IPR2019-01632 includes Judges Obermann, Snedden, and Pollock. The panel for IPR2019-01505, IPR2019-01508, IPR2019-01509, IPR2019-01617, and IPR2020-00084 includes Judges Pollock, Snedden, and New.

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The above-entitled matter came on for hearing on Tuesday, January 12, 2021, commencing at 1:00 p.m. EDT, by video/by telephone.

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1 MR. INSOGNA: Good afternoon, Your Honor. This is Anthony
2 Insogna, from Jones Day. And with me is Mr. Christian Platt, and Ms.
3 Sarah Geers. And Mr. Platt and Ms. Geers will lead us today.

4 JUDGE POLLOCK: Very good. Both parties have filed motions to
5 exclude evidence. Earlier today we entertained argument on both parties'
6 motions, although Petitioner declined to argue its motion. We're also aware
7 of the parties' submissions regarding allegedly improper new arguments and
8 evidence. We will not rule on these today, but we'll address them in the
9 final written decision to the extent necessary.

10 Each side this afternoon has 120 minutes to present its case and may
11 address the issues as they see fit. My colleagues and I will do our best to
12 keep track of time, but we suggest the parties do the same.

13 That said, the counsel for Petitioner, would you like to reserve any
14 time for rebuttal?

15 MR. HARBIN: Yes, Your Honor. This is John Harbin, 45 minutes,
16 please.

17 JUDGE POLLOCK: Counsel for Patent Owner, you may have the
18 last word today. Would you like to reserve any of your time?

19 MR. PLATT: Patent Owner would like to reserve 30 minutes, Your
20 Honor.

21 JUDGE POLLOCK: Very good. We're looking forward to the
22 parties' presentations today, but I would like to cover some things before we

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1 begin. On behalf of the board, we thank you for your flexibility in
2 participating in this all video hearing. We already had a delay for technical
3 issues at the beginning. I trust that it will be smooth from here on out.

4 I'd like to emphasize that our primary concern is your right to be
5 heard. If at any time during the proceedings you encounter technical or
6 other difficulties that you feel fundamentally undermine your ability to
7 adequately represent your client, please let us know immediately. For
8 example, by contacting the team members who provided you with the
9 connection information.

10 Please mute your microphone when not speaking. And please identify
11 yourself each time you speak, both for the panel and to keep the record clear.

12 We have access to the entire record, including the demonstratives.
13 When referring to each demonstrative paper or exhibit, please do so by slide
14 or page number. And then, and I emphasize, please pause a few seconds to
15 allow us time to find it. We also remind the parties that the demonstratives
16 are not evidence. To the extent there are any objections to be
17 demonstratives, we will take those under advisement.

18 Finally, should you come to a good faith belief that the pace of the
19 proceeding present, prevents you from adequately explaining your position,
20 please speak up and we will consider some expansion of the allotted time.

21 Petitioner, you will go first, as you bear the burden of showing
22 unpatentability to the challenged claims. You may begin.

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