

IPR2020-00324  
Patent 8,114,833 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN INSTITUTIONAL LLC and PFIZER INC.,  
Petitioners,

v.

NOVO NORDISK A/S,  
Patent Owner.

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Case IPR2020-00324<sup>1</sup>  
Patent 8,114,833

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**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT  
UNDER 37 C.F.R. § 42.70(a)**

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<sup>1</sup> IPR2020-01252 has been joined with this proceeding.

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Pursuant to 37 C.F.R. § 42.70(a), Patent Owner Novo Nordisk A/S (“Novo Nordisk” or “Patent Owner”) requests oral argument in IPR2020-00324. Pursuant to the Board’s June 23, 2020 Scheduling Order, Patent Owner understands that oral argument is currently scheduled for March 26, 2021.

Pursuant to 37 C.F.R. § 42.70(a), Patent Owner respectfully requests up to forty-five (45) minutes of oral argument per side on all issues raised in the Petition (Paper 2), the Patent Owner Preliminary Response (Paper 11), the Board’s Institution Decision (Paper 13), the Patent Owner Response (Paper 25), the Petitioner Reply (Paper 35), and the Patent Owner Sur-Reply (Paper 45). These issues include, but are not limited to, the following:

1. The scope and content of the prior art.
2. The patentability of claims 1-15 of U.S. Patent No. 8,114,833 over Flink (Ex. 1004) under 35 U.S.C. § 102.
3. The patentability of claims 1-15 of U.S. Patent No. 8,114,833 over Flink (Ex. 1004) under 35 U.S.C. § 103.
4. The patentability of claims 1-31 of U.S. Patent No. 8,114,833 over Flink (Ex. 1004) and Betz (Ex. 1005) under 35 U.S.C. § 103.
5. Whether Betz (Ex. 1005) qualifies as prior art to U.S. Patent No. 8,114,833 under 35 U.S.C. § 102(e).

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6. Whether Novo Nordisk reduced the claimed inventions of U.S. Patent No. 8,114,833 to practice by at least April 23, 2003.
7. Whether secondary considerations support the patentability of the claims of U.S. Patent No. 8,114,833.
8. Any issues raised by the Petitioners at the oral argument.
9. Any other issues raised in papers filed in this proceeding, including issues to be raised in papers not yet filed, including but not limited to Motions to Exclude.
10. Any additional issues on which the Board seeks information or clarification.

Subject to the Board's approval, Patent Owner intends to use demonstrative exhibits during the oral argument. Such demonstrative exhibits will be served in due course according to 37 C.F.R. § 42.70(b). Should the oral argument be conducted in-person, Patent Owner also intends to request the use of audio-visual equipment during its presentation, including a computer, projector, and screen on which to display demonstrative exhibits.

Patent Owner expects that more than five individuals will attend the oral argument on Patent Owner's behalf.

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Dated: February 12, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on February 12, 2021, the foregoing document is being served by filing this document through the Patent Trial and Appeal Board End to End System, as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioners:

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