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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIQUIDIA TECHNOLOGIES, INC.,
Petitioner,

v.

UNITED THERAPEUTICS CORPORATION,
Patent Owner.

IPR2020-00770
Patent 9,604,901 B2

Record of Oral Hearing
Held: June 23, 2021

Before ERICA A. FRANKLIN, ZHENYU YANG, and
JOHN E. SCHNEIDER, *Administrative Patent Judges*.

IPR2020-00770
Patent 9,604,901 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

DEEPA KANNAPPAN, ESQ.
SANYA SUKDUANG, ESQ.
ERIK B. MILCH, ESQ.
Cooley LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, D.C. 20004
212-479-6840
dkannappan@cooley.com

ON BEHALF OF THE PATENT OWNER:

DOUG CARSTEN, ESQ.
McDermott, Will & Emery
18565 Jamboree Road
Suite 257
Irvine, California 92612
858-366-3909
dcarsten@mwe.com

STEPHEN B. MAEBIUS, ESQ.
Foley & Lardner, LLP
3000 K Street, NW
Suite 600
Washington, D.C. 20007-5109
202-672-5569
smaebius@foley.com

The above-entitled matter came on for hearing on Wednesday,
June 23, 2021, commencing at 1:00 p.m. EDT, via Videoconference.

P-R-O-C-E-E-D-I-N-G-S

1:00 p.m.

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2
3 JUDGE YANG: Good afternoon. This is the hearing for
4 IPR2020-00770. The challenged patent is 9,604,901. I'm Judge Yang,
5 Judges Franklin and Schneider are also on the panel. Now, counsel, please
6 introduce yourselves. Let's start with Petitioner.

7 MS. KANNAPPAN: Good afternoon, Your Honor. This is Deepa
8 Kannappan, on behalf of Petitioner, Liquidia Technologies. With me are my
9 colleagues, Mr. Eric Milch and Mr. Sanya Sukduang, also on behalf of
10 Petitioner. All three of us are from Cooley, LLP.

11 JUDGE YANG: Thank you. Welcome. And Patent Owner.

12 MR. MAEBIUS: Hi. Good afternoon, Your Honors. This is Steve
13 Maebius, from Foley & Lardner. And also with me as co-counsel, Doug
14 Carsten, from McDermott, Will & Emery.

15 JUDGE YANG: All right, thank you. And welcome to you, too.
16 Before we start the oral argument, we will quickly go through a few
17 housekeeping items.

18 For today's hearing, each party has 60 minutes to present your
19 argument, starting with Petitioner, followed by Patent Owner. And both
20 parties may, if you desire, reserve time for rebuttal.

21 During oral argument, please -- this is important -- please identify
22 the record clearly. And this is not only to make sure that the transcript is
23 clear, but also because we are having the hearing remotely today. The
24 Judges cannot see what you put out there, but we have the record, including

1 the demonstratives. So, if you identify the record clearly, we will be able to
2 follow you.

3 You just need to be specific. I mentioned the demonstratives. I want
4 to reiterate what we said in the Hearing Order. That is, demonstratives are
5 not evidence.

6 Last we heard it, the parties appeared to, I want to say disagree,
7 on -- at least you all sought some guidance on Exhibit 1053, which is the
8 transcript of the Markman hearing at the District Court.

9 As we explained it in the email this morning -- and you all should
10 have received that email this morning -- Exhibit 1053 at this time has not
11 been admitted into the evidence in this proceeding.

12 We asked the Petitioner to file it together with its Motion to File
13 Supplemental Information, because we were short on time when we received
14 that request, which was about ten days ago.

15 We just thought it is more efficient to have it filed. The Panel still
16 has to consider the motion itself, as well as the opposition from Patent
17 Owner, to decide whether there is good cause to admit the exhibit.

18 If we ultimately decide not to admit it, Exhibit 1053 will be
19 expunged. So, about whether you can rely on that exhibit for substantive
20 discussion today, you are not prohibited from doing so.

21 But perhaps two pieces of advice. First, you should not make any
22 new argument. And second, if Exhibit 1053 is ultimately expunged, then we
23 will not consider any discussion about that exhibit. So, just use your time
24 wisely.

1 Another thing is, if you have any objection today during the hearing,
2 please help us keep the order of the argument. Please don't interrupt the
3 other side. You can raise any objection after the other side finishes their
4 presentation.

5 Another important point is to please mute yourselves and only
6 unmute yourself when you are talking. And you should have some contact
7 numbers for the Board.

8 So, if you encounter any technical difficulties, please contact the
9 Board immediately.

10 Lastly, before we finish the oral argument -- well, actually, it's after
11 we finish the oral argument, the Panel will disconnect, but counsel, please
12 stay on the line, in case the court reporter needs help with spellings, or
13 clarification, that sort of thing. Any questions?

14 MS. KANNAPPAN: Yes, Your Honor, just one. We put in a LEAP
15 request about a week ago for myself and I was wondering if the Board had a
16 chance to consider it.

17 JUDGE YANG: I have to apologize. I did not see it. Do you by
18 any chance know which date you submitted that?

19 MS. KANNAPPAN: Yes. It was a week ago, June 16th.

20 JUDGE YANG: There is no filing that I can see on the 16th.

21 MS. KANNAPPAN: I believe the LEAP request was submitted via
22 email. That's what the guidance we received. And so, we had emailed it to
23 that particular email address.

24 JUDGE YANG: All right. We will sort it out later. But at this time,
25 based on your representation, if you qualify for the LEAP program, yes, we

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