

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLAYBACK PHARMA LLC,
Petitioner,

v.

SUMITOMO DAINIPPON PHARMA CO., LTD.,
Patent Owner.

Case IPR2020-01053
U.S. Patent 9,815,827

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Board’s Scheduling Order (Paper 8), Patent Owner requests an oral argument in IPR2020-01053 on U.S. Patent No. 9,815,827 (“the ’827 patent”). Patent Owner requests (without waiving consideration of any issue not listed here) that the following issues be argued:

- Whether the challenged claims 8–18, 25–28, 30, 31, 33–44, 46, 48–60, 62, 64, 66, 67, 69, 71, 73 and 75 of the ‘827 patent are anticipated by Latuda Information, published in American Journal of Psychiatry, Vol. 170, No. 8, August 2013;
- Whether the challenged claims 8–18, 25–28, 30, 31, 33–44, 46, 48–60, 62, 64, 66, 67, 69, 71, 73 and 75 of the ‘827 patent are obvious over Latuda Information and Loebel et al., Lurasidone Monotherapy for the Treatment of Bipolar Depression: Results of the 6-Week, Double-blind, Placebo-controlled PREVAIL-2 Study, 38 NEUROPSYCHOPHARM. 109–110 (2012);
- Whether the challenged claims 1-75 of the ‘827 patent are obvious over Saji, U.S. Patent No. 5,532,372; and
- Any additional issues on which the Board seeks clarification.

The Board has currently scheduled the Oral Hearing for this proceeding on August 11, 2021 (Paper 8). Patent Owner requests 60 minutes per side to present arguments in this case. To the extent the Board schedules the hearing to last more

than one hour, Patent Owner requests that it be given half the length of the hearing to address these issues. If the oral argument is not held via videoconference, Patent Owner requests permission to use video equipment to display demonstrative exhibits, including the use of a projector/screen for a PowerPoint display or the like.

Respectfully submitted,

Date: July 1, 2021

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