

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**EDWARDS LIFESCIENCES CORPORATION and
EDWARDS LIFESCIENCES LLC,**

Petitioners,

v.

COLIBRI HEART VALVE, LLC,

Patent Owner.

Case IPR2020-01649

U.S. Patent No. 9,125,739

PETITIONERS' REQUEST FOR ORAL HEARING

Pursuant to 37 C.F.R. § 42.70, Edwards Lifesciences Corporation and Edwards Lifesciences LLC (“Petitioners”) submit this Request for Oral Hearing on the instituted grounds of unpatentability for claims 1-5 of U.S. Patent No. 9,125,739 under 35 U.S.C. § 103 and associated issues. Petitioners also request rebuttal to respond to all issues raised by Patent Owner’s presentation.

Petitioners intend to discuss the issues raised in the parties’ filings under the ongoing review, including but not limited to, the following items:

1. Any issues addressed by Petitioners, including in the Petition for Inter Partes Review and Reply, including the patentability of claims 1-5 of U.S. Patent No. 9,125,739.
2. Any issues properly raised by Patent Owner, including in Patent Owner Response and Sur-reply.
3. Rebuttal to issues raised by Patent Owner, including in any Response, Sur-reply, motion to exclude or request for oral argument.
4. Any other issues related to invalidity that the Board deems necessary for issuing a final written decision.

Petitioners propose that each side be allotted one hour total for oral argument, with the opportunity to reserve time for rebuttal for Petitioners. Petitioners will present argument first, followed by Patent Owner’s arguments, and then followed by any time reserved by Petitioners for rebuttal.

Furthermore, in view of the USPTO's update on oral hearings scheduled to take place at USPTO offices on or after Friday, March 13, 2020, Petitioners intend to participate via remote video and/or telephone. Petitioners request the ability to use audio/visual equipment to display demonstratives and exhibits at the oral hearing, to the extent available at the time of the hearing.

If the Board decides to hold an in-person hearing, Petitioners request that two spaces be reserved for counsel at counsel's table and three additional spaces be reserved in the hearing room to accommodate additional counsel and corporate representatives. Petitioners also request that the attorneys at Petitioners' counsel table be allowed to use computers.

Finally, Petitioners note that IPR2020-01454, which Petitioners joined by way of IPR2021-00775, is also directed at the patentability of claims 1-5 of U.S. Patent No. 9,125,739. Oral argument has been requested in IPR2020-01454 (Paper Nos. 20-21 in IPR2020-01454), and the Scheduling Order in IPR2020-01454 and in this case set oral argument (if requested) for December 8, 2021. Petitioners in this proceeding request that oral argument be scheduled back-to-back with oral argument in IPR2020-01454, with IPR2020-01454 to proceed first, followed by IPR2020-01649.

Dated: October 29, 2021

Respectfully submitted,

/s/ Brian P. Egan

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing PETITIONERS' REQUEST FOR ORAL HEARING was served in its entirety by filing through the Patent Trial and Appeal Board End to End (PTAB E2E), as well as providing a courtesy copy via e-mail to the following attorneys of record listed below:

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Respectfully submitted,

Dated: October 29, 2021

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