

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIQUIDIA TECHNOLOGIES, INC.,
Petitioner,

v.

UNITED THERAPEUTICS CORPORATION,
Patent Owner.

IPR2021-00406
Patent 10,716,793 B2

Record of Oral Hearing
Held: May 13, 2022

Before ERICA A. FRANKLIN, CHRISTOPHER M. KAISER, and
DAVID COTTA, *Administrative Patent Judges*.

IPR2021-00406
Patent 10,716,793 B2

APPEARANCES

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on May 13, 2022,
commencing at 1:00 p.m. EST, by video/by telephone.

1 PROCEEDINGS

2 JUDGE KAISER: All right. Good afternoon. Thank
3 you to everyone for being here.

4 This is a hearing in IPR2021-00406, captioned
5 Liquidia Technologies Incorporated v. United Therapeutics
6 Corporation.

7 I am Judge Kaiser, and the other members of the
8 Panel are Judges Franklin and Cotta.

9 Before we get started, I'd like to do a rollcall
10 of anyone else who's here. Let's start with anyone
11 representing Petitioner.

12 MR. SUKDUANG: Good afternoon, Your Honors.
13 Sanya Sukduang. I will be arguing on behalf of
14 Petitioner, Liquidia. On the Webex link with us is Erik
15 Milch and Deepa Kannappan, and I believe lead counsel,
16 Ivor Elrifi, is on the public line.

17 JUDGE KAISER: Okay. Thank you.

18 Anyone here on behalf of Patent Owner?

19 MR. CARSTEN: Yes, Your Honor, good afternoon.
20 This is Doug Carsten at McDermott Will & Emery. And along
21 with me on the Webex link is Michael Houston of Foley &
22 Lardner. Lead counsel is -- since he's not presenting, is
23 participating via the public link, and that is Stephen
24 Maebius.

25 JUDGE KAISER: Okay. Thank you.

26 All right. According to the order setting up

1 this hearing, each side will have a total of 60 minutes to
2 present its arguments. We'll start with Petitioner's
3 presentation, then continue with Patent Owner's response.
4 And then, each party will have however much time it
5 reserves for its rebuttal. Again, starting with
6 Petitioner and concluding with Patent Owner

7 Just a few last-minute reminders. First, I
8 believe neither party has let us know that they plan to
9 discuss any confidential information today. There is, as
10 you've both indicated, a public access feed for this
11 hearing. And other than the counsel that you both
12 mentioned, I haven't been told that anyone is listening to
13 the hearing via that feed, but please keep in mind before
14 you discuss anything nonpublic that this hearing isn't
15 closed.

16 The Panel has access to the demonstrative
17 exhibits that each side filed, as well as the entire
18 record in the proceeding. So please free to direct us to
19 any portion of the record if you think it's helpful. If
20 you're going to do so, please give us an exhibit number or
21 a paper number, as well as page, column, or line numbers
22 that's appropriate.

23 For demonstrative exhibits, please state which
24 slide you're discussing, because it helps us make a clear
25 record which is useful for our deliberations and
26 decision-making.

1 Finally, we're all appearing remotely by video
2 which presents different challenges than being in the same
3 room together. And although some amount of talking over
4 one another is probably inevitable, it will make the
5 reporter's job much easier and help us make a clearer
6 record if we all do whatever we can to minimize that as
7 much as possible.

8 Also, when you're not speaking, please mute your
9 microphone, and try to identify yourself when you begin
10 speaking in case the reporter has trouble seeing who's
11 talking.

12 So with those admonitions, we're nearly ready to
13 begin, but before we get to the hearing itself, we have a
14 preliminary matter to address. So Patent Owner emailed
15 the Board on Wednesday night, and Petitioner responded
16 yesterday, regarding authorization to file as supplemental
17 information several filings from the parallel
18 District Court proceeding relating to the parties'
19 arguments on the asserted obviousness of Claims 4, 6 and 7
20 of the challenged patent. We don't intend to count any
21 time that we spend discussing this issue against either
22 party's 60-minute time limit, but we also don't intend to
23 get bogged down discussing what's really a pretty minor
24 piece of why we're here today.

25 So with that in mind, I'll ask each party,
26 starting with Patent Owner, to explain very briefly your

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