

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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REGENERON PHARMACEUTICALS, INC.,

Petitioner,

V.

NOVARTIS PHARMA AG, NOVARTIS TECHNOLOGY, LLC,

NOVARTIS PHARMACEUTICALS CORPORATION,

Patent Owner.

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Case IRP2020-01317

Patent 9,220,631

HEARING BY TELECONFERENCE

October 29, 2020

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Hearing by Teleconference, commencing at 11:00 a.m., on the above date, before the Honorable Robert L. Kinder, the Honorable Erica A. Franklin, and the Honorable Kristi L.R. Sawert, preliminary panel, pursuant to the rules of the Patent and Appeal Board.

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APPEARANCES:

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(Appearing on behalf of the Petitioner)

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Also Present: Petra Scamborova and James Evans

1                   This cause came on to be heard on  
2 the 29th day of October, 2020, before the Patent  
3 Trial and Appeal Board, preliminary panel, when  
4 the following proceedings were had, to-wit:

5                   THE COURT: Since there is a  
6 court reporter, if the party that's  
7 sponsoring the court reporter could  
8 please file the transcript as an  
9 exhibit, we would appreciate it.

10                   To begin again, this is Judge  
11 Kinder; and with me on the call are  
12 Judges Franklin and Sawert.

13                   As I mentioned, this panel is  
14 preliminary until the Board actually  
15 starts issuing orders or decisions in  
16 the proceeding. So most likely, this  
17 will be the panel, though.

18                   Now, if we can get a roll call  
19 for petitioner, please.

20                   MR. DESAI: Yes. Good morning,  
21 Your Honor. This is Anish Desai here  
22 for petitioner. Also on the line is  
23 Elizabeth Weiswasser and Brian Ferguson  
24 from my firm. And we have two client  
25 representatives, I think, also sitting

1                   in, Petra Scamborova and James Evans.

2                   THE COURT: Mr. Desai, who is

3                   going to speak for petitioner today?

4                   MR. DESAI: I will be.

5                   THE COURT: All right. Thank

6                   you. And since you do have client

7                   representatives, I presume there is not

8                   going to be any confidential information

9                   discussed today, party-sensitive

10                  information. But if that is incorrect,

11                  please let me know now.

12                  MR. DESAI: That is correct.

13                  THE COURT: Okay. For the patent

14                  owner?

15                  MS. HOLLAND: Yes. Good morning.

16                  This is Elizabeth Holland of Goodwin

17                  Procter for patent owner. With me are

18                  Bill James and Linnea Cipriano, also

19                  from Goodwin Procter.

20                  THE COURT: Ms. Holland, who is

21                  going to speak today on behalf of patent

22                  owner?

23                  MS. HOLLAND: I will.

24                  THE COURT: All right. Very

25                  good. So I understand petitioner has

1 requested potentially additional  
2 preliminary briefing. So I'll let  
3 petitioner present their case.

4 Again, we don't want to get into  
5 the merits on this particular phone  
6 call. This is to determine whether  
7 we're going to justify additional  
8 briefing. Hopefully, both parties have  
9 looked at some of our recent decisions  
10 related to discretionary factors, and  
11 our decisions to allow additional  
12 briefing to address those or not to  
13 allow.

14 So, petitioner, if you can open  
15 it up, please.

16 MR. DESAI: Thank you, Your  
17 Honor.

18 So Regeneron submits that there  
19 is good cause for reply brief. I'll  
20 address the 314 and the 325 issues  
21 separately.

22 But before I get into those  
23 issues, to the extent -- I don't know  
24 that it will be, but if the issue  
25 becomes about the amount of pages,

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