

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., CELLTRION, INC.,
and APOTEX, INC.,
Petitioners

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner

Case IPR2021-00881¹
Patent No. 9,254,338 B2

**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT
PURSUANT TO 37 C.F.R. § 42.70(a)**

¹ IPR2022-00258 and IPR2022-00298 have been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.70(a) and the Board’s Revised Scheduling Order dated March 23, 2022 (Paper 48), Patent Owner Regeneron Pharmaceuticals, Inc. (“Patent Owner”) hereby submits this Request for Oral Argument on issues related to the patentability of claims 1, 3-11, 13, 14, 16-24, and 26 of U.S. Patent No. 9,254,338 B2. Patent Owner intends to discuss the issues raised in the parties’ papers in this proceeding and the Board’s Institution Decision dated November 10, 2021 (Paper 21), as well as any other issues the Board deems necessary for issuing a Final Written Decision.

The Board has scheduled an Oral Argument for August 10, 2022 for this proceeding as well as a related proceeding (IPR2021-00880). *See* Paper 48, 5.

Patent Owner requests that Oral Argument to take place in-person at USPTO’s headquarters in Alexandria, Virginia. Patent Owner further respectfully requests that the Board permits in-house counsel to attend the hearing remotely or in-person. Patent Owner expects a significant number of in-person attendees and kindly requests Hearing Room A. The parties will advise the Board as to any audio/video request as soon as practicable.

Patent Owner requests that the Board allot 1 hour per proceeding divided equally between the parties (30 minutes per side) with argument on IPR2021-00880 preceding argument on IPR2021-00881. Patent Owner understands that Petitioner intends to seek rebuttal time. Assuming it does so, Patent Owner requests the ability

to reserve a portion of its time in this proceeding for sur-rebuttal arguments after Petitioner's rebuttal. *See* November 2019 Consolidated Trial Practice Guide, 83.

Patent owner further requests that for arguments in IPR2021-00881 that overlap with arguments addressed in oral hearing for IPR2021-00880, the parties may expressly indicate at hearing that they are relying on arguments made in the earlier proceeding without re-arguing the same points in IPR2021-00881. Nothing in this proposal prevents either party from making additional arguments on overlapping issues in IPR2021-00881 nor does it prevent the Panel from asking questions related to the overlapping arguments in each proceeding.

Patent Owner understands that Petitioner intends to request that oral argument be consolidated for both proceedings and limited to 90-minutes total. Petitioner's request is inappropriate for these proceedings. The arguments, as well as the records, in IPR2021-00880 and IPR2021-00881 are significantly different. For example, IPR2021-00881 has arguments addressing claim construction, obviousness, and objective indicia that are either very different from or nonexistent in IPR2021-00880. IPR2021-00881 also has declarations from two experts that did not provide testimony in IPR2021-00880 and over 200 additional exhibits that are not in the record in IPR2021-00880. Moreover, reduction of time below the customary 30-minutes per side for each proceeding would not permit adequate time for Patent Owner to address the issues in each proceeding. *See* November 2019

Consolidated Trial Practice Guide, 81. Patent Owner believes that consolidation of the argument would lead to potential confusion in the record and would be prejudicial to Patent Owner.

Dated: July 8, 2022

Respectfully Submitted,

/s/ Deborah E. Fishman

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**Counsel for Patent Owner,
Regeneron Pharmaceuticals, Inc.**

CERTIFICATE OF SERVICE

The undersigned certifies that on July 8, 2022, a true and entire copy of this **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT PURSUANT TO 37 C.F.R. § 42.70(a)** was served via e-mail to the Petitioners at the following email addresses:

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