

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALTAIRE PHARMACEUTICALS, INC.,
Petitioner,

v.

PARAGON BIOTECK, INC.,
Patent Owner.

Case PGR2015-00011
Patent 8,859,623 B1

Before ZHENYU YANG, *Administrative Patent Judge*.

ORDER
Granting Request for Oral Argument
37 C.F.R. § 42.70

Pursuant to 37 C.F.R. § 42.70 and the Scheduling Order (Paper 15), both parties timely requested oral argument. Papers 42, 43. The parties' requests for oral argument are *granted*.

Time and Format

Hearing will commence at **2:00 PM Eastern Time on July 12, 2016**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. Each party will have 45 minutes to present arguments during the hearing. Petitioner will open the hearing by presenting its case on both the real-party-in-interest and the unpatentability issues. Patent Owner will then respond to Petitioner's arguments. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner.

The Board will provide a court reporter for the hearing and the transcript will constitute the official record of the hearing. The hearing will be open to the public for in-person attendance, which will be accommodated on a first come, first served basis. The parties are reminded that certain confidential information has been sealed under a Protective Order entered in these proceedings. The parties are advised to not include any such sealed information in the demonstrative exhibits or refer to it in the arguments. Alternatively, the party that originally moved to seal the information may waive its request and choose to disclose and rely on the information during the oral argument.

Demonstratives

Demonstrative exhibits shall be served on opposing counsel at least five business days before the hearing. Notwithstanding 37 C.F.R. § 42.70(b), each party shall, instead of filing, provide a courtesy copy of the demonstrative exhibits to the Board at least two business days prior to the hearing by emailing them to Trials@uspto.gov.

Any argument presented in the demonstrative exhibits must be supported by evidence already of record. The demonstrative exhibits, however, are not evidence. Instead, they are intended to assist the parties in presenting their oral arguments to the Board. Also, the demonstrative exhibits are not a mechanism for making arguments not previously presented. The panel will not consider arguments or evidence appearing only in demonstrative exhibits.

Due to the nature of the demonstrative exhibits, the panel does not anticipate that objections to such exhibits would likely be sustained. Nevertheless, to the extent that there is any objection to the propriety of the demonstrative exhibits, the parties shall meet and confer in good faith to resolve any issue. If the parties cannot resolve the issues regarding the demonstrative exhibits on their own, the objecting party may file a one-page list of its objections to the demonstrative exhibits with the Board at least two business days before the hearing. The objecting party should identify with particularity which portions of the demonstrative exhibits it objects to, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. The panel will schedule a conference call if deemed necessary. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the transcript.

Lead Counsel

The Board expects lead counsel for each party to be present at the oral hearing. Any counsel of record, however, may present the party's argument.

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If either party anticipates that its lead counsel is unable to attend the oral argument, the parties should initiate a joint conference call with the Board no later than two business days prior to the hearing to discuss the matter.

Audio/Visual Equipment Requests

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. **Requests for audio-visual equipment must be sent to Trials@uspto.gov at least five business days prior to the hearing date. If the request is not received timely, the equipment may not be available on the day of the hearing.**

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