

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TEVA PHARMACEUTICALS USA, INC.,  
Petitioner

v.

CORCEPT THERAPEUTICS, INC.,  
Patent Owner.

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PGR2019-00048  
Patent 10,195,214 B2

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Record of Oral Hearing  
Held: September 2, 2020

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Before JACQUELINE WRIGHT BONILLA, *Deputy Chief Administrative Patent Judge*, ROBERT A. POLLOCK, and DAVID COTTA, *Administrative Patent Judges*.

PGR2019-00048  
Patent 10,195,214 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday,  
September 2, 2020, commencing at 10:03 a.m. EDT, via Videoconference.

P-R-O-C-E-E-D-I-N-G-S

10:03 a.m.

JUDGE COTTA: Good morning. This is the final hearing in PGR2019-00048, regarding Claims 1 through 13 of U.S. Patent Number 10,195,214. The Petitioner is Teva Pharmaceuticals USA, Inc., the Patent Owner is Corcept Therapeutics, Inc. The hearing is open to the public and a full transcript of the hearing will be made part of the record.

I'm Judge Cotta, and with me are Judges Bonilla and Pollock. Counsel for Petitioner, could you please identify yourself for the record?

MS. STERLING: Good morning, Your Honor. My name is Deborah Sterling. I'm with the law firm of Sterne, Kessler, Goldstein & Fox, and I'm here on behalf of Petitioner Teva Pharmaceuticals, USA, Inc.

JUDGE COTTA: Thank you. And counsel for Patent Owner, could you kindly yourself for the record?

MR. STOPS: Good morning, Your Honor. This is Eric Stops from Quinn, Emmanuel, Urquhart & Sullivan, on behalf of Patent Owner Corcept Therapeutics, and with me is Nick Cerrito, also from Quinn, Emmanuel for Corcept.

JUDGE COTTA: Okay. Thank you. As set forth in our hearing order of July 16, 2020, each side has one hour to present its case. My colleagues will do our best to keep track of time, but we suggest that the

1 parties do the same. Counsel for Petitioner, would you like to reserve any  
2 time for rebuttal?

3 MS. STERLING: Yes, Your Honor, I'd like to reserve 20 minutes,  
4 please.

5 JUDGE COTTA: Okay. And, Counsel for Patent Owner, you're  
6 entitled to the last word today if you wish, would you like to reserve any of  
7 your time?

8 MR. STOPS: Yes, Your Honor. Ten minutes, please.

9 JUDGE COTTA: Okay. Before we begin, there are a few things I'd  
10 like to cover. First, on behalf of the Board, I'd like to thank you for your  
11 flexibility in participating in this all video hearing. Given that this is a  
12 departure from our typical practice, I'd first emphasize that our primary  
13 concern is your right to be heard, so if at any point during the proceeding  
14 you encounter technical or other difficulties that you feel fundamentally  
15 undermine your ability to adequately represent your client, please let us  
16 know immediately.

17 Second, when you're not speaking, please mute your microphone.  
18 Third, for the benefit of the court reporter, please identify yourself each time  
19 you speak. Fourth, we have access to the entire record, including  
20 demonstratives, so when you're referring to each paper, or demonstrative, or  
21 exhibit, please do so by slide or page number, and give us a few seconds to  
22 find it so we can follow along at home.

1           Finally, should you come to a good faith belief that the pace of this  
2 proceeding prevents you from adequately explaining your position, please  
3 speak up and we'll consider expanding the allotted time.

4           Petitioner will go first, as it bears the burden of showing  
5 unpatentability of the challenged claims. Before we hear from Petitioner, we  
6 understand that the Patent Owner has objected to Slide 42 of Petitioner's  
7 demonstrative on the basis that it references an exhibit that Patent Owner has  
8 moved to exclude.

9           We've reviewed Slide 42 and we understand the basis for the  
10 objection. We overrule the objection, as we have not yet resolved Patent  
11 Owner's motion to exclude. In the event the Panel grants the motion to  
12 exclude, we're certainly capable of disregarding the material on Slide 42.

13           Petitioner, you can begin whenever you're ready.

14           MS. STERLING: Good morning, Your Honor. Again, my name is  
15 Deborah Sterling on behalf of Petitioner Teva Pharmaceuticals USA. Your  
16 Honor, this case, in part, is a case of routine optimization. Korlym was  
17 approved in 2012 as a 300mg per day -- or 300mg tablet of mifepristone. It  
18 was approved for treating Cushing's patients.

19           Treatment begins at 300mg per day and it titrated up one 300mg at a  
20 time, tablet at a time, to 1200mg, as needed, based on physician judgement  
21 and patient response.

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