

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMGEN INC.,
Petitioner,

v.

ALEXION PHARMACEUTICALS,
Patent Owner.

IPR2019-00739 (Patent 9,725,504 B2)
IPR2019-00740 (Patent 9,718,880 B2)
IPR2019-00741 (Patent 9,732,149 B2)¹

Before TINA E. HULSE, ROBERT A. POLLOCK, and RYAN H. FLAX,
Administrative Patent Judges.

FLAX, *Administrative Patent Judge.*

ORDER
Granting Oral Hearing
37 C.F.R. § 42.70

¹ This Order addresses the same issues in the *inter partes* reviews listed above. Therefore, we issue one Order to be filed for all cases. The parties, however, are not authorized to use this style of filing in papers.

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Amgen Inc. (“Petitioner”) and Alexion Pharmaceuticals (“Patent Owner”) have filed requests for oral hearing in the above captioned proceedings, pursuant to 37 C.F.R. § 42.70. *See* IPR2019-00739, Papers 36, 37.² The requests for oral hearing are granted according to the terms set forth in this Order. Based on overlapping issues presented in the proceedings, oral hearing for the three proceedings will be conducted in one session.

The combined oral hearing will commence at 1:00 PM Eastern Time on June 1, 2020, by video. The parties are directed to contact the Board at least ten (10) days in advance of the hearing if there are any concerns about disclosing confidential information. The Board will provide a court reporter for the hearing, and the reporter’s transcript will constitute the official record of the hearing.

If at any time during the proceeding, you encounter technical or other difficulties that fundamentally undermine your ability to adequately represent your client, please let the panel know immediately, and adjustments will be made.³

To facilitate planning, each party must contact PTAB Hearings at (571) 272-9797 five (5) business days prior to the oral hearing date to receive video set-up information. As a reminder, all arrangements and the expenses involved with appearing by video, such as the selection of the facility to be used from which a party will attend by video, must be borne by

² For convenience, we cite to papers in IPR2019-00739. Similar papers were filed in IPR2019-00740 and IPR2019-00741.

³ For example, if a party is experiencing poor video quality, the Board may provide alternate dial-in information.

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that party. If a video connection cannot be established, the parties will be provided with dial-in connection information, and the oral hearing will be conducted telephonically.

If one or both parties would prefer to participate in the oral hearing telephonically, they should notify PTAB Hearings at the above telephone number five (5) business days prior to the hearing to receive dial-in connection information.

As requested by both parties, each party will have one hour of total time to present arguments in the above-identified proceedings. Petitioner will proceed first to present its case with regard to the challenged claims and grounds set forth in the Petitions. Thereafter, Patent Owner may respond to Petitioner's case. Petitioner may reserve and use its remaining time for rebuttal regarding Patent Owner's arguments regarding the challenged claims. And, thereafter, Patent Owner may use any of its reserved, remaining time for sur-rebuttal, to respond to Petitioner's rebuttal arguments. The parties are reminded that arguments made during rebuttal and sur-rebuttal periods must be responsive to arguments the opposing party made in its immediately preceding presentation.

At least seven (7) business days prior to the hearing, each party shall serve on the other party any demonstrative exhibit(s) it intends to use during the hearing. *See* 37 C.F.R. § 42.70(b). At least five (5) business days prior to the hearing, the parties shall provide the Board, but not file as a part of the record, any demonstrative exhibits in this case.

Demonstrative exhibits used at the oral hearing are aids to oral argument and not evidence. The Board expects the parties will meet and

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confer in good faith to resolve any objections to demonstrative exhibits. For any issue that cannot be resolved after conferring with the opposing party, the parties may email jointly to Trials@uspto.gov a one-page list of objections at least five (5) business days prior to the hearing. The list should identify with particularity which demonstrative exhibits are subject to objection and include a short statement (no more than one short sentence) of the reason for each objection. No argument or further explanation is permitted.

We will consider the objections and schedule a conference call, if necessary. Otherwise, we will take any objections on demonstratives under advisement. Any objection to demonstrative exhibits that is not timely presented is waived.

The Board generally expects lead counsel for each party to be present by video at the oral hearing. Any counsel of record may present the party's argument as long as that counsel is present by video.

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may also indicate any special requests related to appearing at a video oral hearing, such as a request to accommodate visual or hearing impairments, and indicate how the PTAB may accommodate the special request. Any special requests must be presented in a separate communication not less than five (5) days before the hearing.

The panel will have access to all papers filed with the Board, including demonstratives. During the oral hearing, the parties are advised to remain muted and unmute yourself only when speaking, and identify clearly

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and specifically each demonstrative (e.g., by slide or screen number), paper, or exhibit referenced to ensure the clarity and accuracy of the court reporter's transcript. In addition, the parties are advised to identify themselves each time they speak. Furthermore, the remote nature of the oral hearing may also result in an audio lag, and so the parties are advised to observe a pause prior to speaking, so as to avoid speaking over others.

Members of the public may request to listen in on this oral hearing. If resources are available, the Board generally expects to grant such requests. If either party objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board by contacting PTABHearings@uspto.gov at least five (5) business days prior to the oral hearing date.

ORDER

Accordingly, it is hereby:

ORDERED that oral argument will commence at 1:00 PM Eastern Time on June 1, 2020.

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