

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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INTAS PHARMACEUTICALS LTD.  
Petitioner,

v.

ATOSSA THERAPEUTICS, INC.  
Patent Owner.

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CASE: PGR2023-00043

Patent No. 11,572,334

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**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. 42.70(a), Patent Owner, Atossa Therapeutics, Inc., respectfully requests oral argument on the issues set forth below at a place and time set by the Board. Oral argument is presently scheduled for October 30, 2024 (Paper No. 12, “Scheduling Order”).

Issues to be Presented by Patent Owner at Oral Argument:

1. Issues related to the Board’s decision Instituting Post-Grant Review (Paper 11);
2. Construction of claim terms of the ’334 patent;
3. Whether claims 1, 2, 4, 15, and 20-22 would have been anticipated by Ahmad;
4. Whether claims 1, 2, 4, 15, and 20-22 would have been obvious over Ahmad;
5. Whether claims 5-8, 16, and 17 would have been obvious over Ahmad in view of Cole;
6. Whether claim 3 would have been obvious over Ahmad in view of Benameur;
7. Whether claim claims 9-13 would have been obvious over Ahmad in view Stegemann and/or the HPE;
8. Whether claims 14, 18 and 19 would have been obvious over Ahmad in view of Ahmad 2010 and Ahmad 2012;

9. Rebuttal to Petitioner's arguments and evidence on all matters including the issues listed above; and
10. Any other issues that the Board deems necessary for issuing a Final Written Decision, including any questions, rebuttals, or arguments that may arise during the oral argument.

Patent Owner requests that the hearing take place in person at the USPTO headquarters in Alexandria, VA. Patent Owner and Petitioner have conferred and Patent Owner understands that Petitioner prefers that the hearing be conducted remotely via video conference. Patent Owner requests the ability to present demonstratives and exhibits to the Board. If the hearing is held remotely, Patent Owner requests the ability to have a client representative attend the video conference from a separate location.

Patent Owner requests that it and Petitioner each be allotted 60 minutes of argument time, including time for rebuttal. Patent Owner and Petitioner have conferred and Patent Owner understands that Petitioner agrees to 60 minutes per side for the hearing.

Dated: September 18, 2024      Respectfully Submitted,

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document has been served via electronic mail upon the following on September 18, 2024:

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