

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMNEAL PHARMACEUTICALS, LLC  
Petitioner

v.

SUPERNUS PHARMACEUTICALS, INC.  
Patent Owner

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IPR2013-00368 (Patent 8,206,740)  
IPR2013-00371 (Patent 8,394,405)  
IPR2013-00372 (Patent 8,394,406)

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Before LORA M. GREEN, SCOTT E. KAMHOLZ, and  
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

KAMHOLZ, *Administrative Patent Judge*.

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

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IPR2013-00372

Amneal and Supernus requested oral argument in each of the above-captioned cases.

Oral argument will commence at 1:00 pm Eastern Time on August 12, 2014, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. Each party is allotted one hour total argument time. The hearing will not be segmented by case. That is, Amneal will open the hearing by presenting all of its arguments for each case. Amneal may allot its time among the cases as it wishes. Supernus will then respond to Amneal's arguments. Amneal may reserve rebuttal time to respond to arguments presented by Supernus. Supernus may not reserve rebuttal time.

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. Although motions to seal are pending in each case, the Board exercises its discretion to make the final hearing publically available via in-person attendance. 37 C.F.R. § 42.14. Attendance by the public will be accommodated on a first-come, first-served basis.

The parties should note that one member of the panel is expected to attend the oral hearing electronically from a remote location.

The parties are reminded that, under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been filed in accordance with our rules. Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing. The Board requests that such exhibits be filed at the Board at least five business days before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014

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(Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. The parties must initiate a conference call with the Board at least two business days before the hearing to present any objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The Board asks the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice.

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

The Board expects lead counsel for each party to be present in person at the hearing. If a party anticipates that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter. Any counsel of record, however, may present the party's argument. A party's argument may be divided, but interruptions for change of counsel should be kept to a minimum.

The parties are reminded to direct their requests for audio-visual equipment to [Trials@uspto.gov](mailto:Trials@uspto.gov). Requests for special equipment will not be honored unless presented in a separate communication directed to the above email address not less than five days before the hearing. If the request is not received timely, the equipment may not be available on the day of the hearing.

Accordingly, it is

ORDERED that consolidated oral argument for the cases listed in the caption of this order shall take place beginning at 1:00 pm Eastern Time on August

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12, 2014, on the ninth floor of Madison Building East, 600 Dulany Street,  
Alexandria.

FOR PETITIONER:

Eldora L. Ellison  
Jonathan Tuminaro  
Ralph Powers  
David Holman  
H. Keeto Sabharwal  
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FOR PATENT OWNER:

Stephen B. Maebius  
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