

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRAXAIR DISTRIBUTION, INC.,
Petitioner,

v.

INO THERAPEUTICS LLC,
Patent Owner.

Case IPR2015-00884 (Patent 8,291,904 B2)
Case IPR2015-00888 (Patent 8,776,794 B2)
Case IPR2015-00889 (Patent 8,573,209 B2)
Case IPR2015-00891 (Patent 8,573,210 B2)
Case IPR2015-00893 (Patent 8,776,795 B2)¹

Before KEN B. BARRETT, MICHAEL J. FITZPATRICK, and
SCOTT A. DANIELS, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER
Oral Argument
37 C.F.R. § 42.70

¹ This Order employs a joint caption, as it is being entered in each of the five identified *inter partes* reviews. The parties may not use a joint caption unless authorized.

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IPR2015-00888
IPR2015-00889
IPR2015-00891
IPR2015-00893

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Patent 8,573,210 B2
Patent 8,776,795 B2

The Scheduling Order for these *inter partes* reviews set a May 16, 2016, date for oral argument, if requested by the parties and granted by the Board. *See, e.g.*, IPR2015-00884, Paper 16. The parties (i.e., Patent Owner, INO Therapeutics LLC, and Petitioner, Praxair Distribution, Inc.) have since filed requests for oral argument in each proceeding. *See, e.g.*, IPR2015-00884, Papers 45, 46. The requests are granted.

As Patent Owner notes in its Requests, the subject patents are directed to similar technologies, and the trials involve overlapping issues and arguments. *See, e.g.*, IPR2015-00884, Paper 45. Accordingly, a consolidated hearing will be held for oral arguments from all five *inter partes* reviews.

It will commence at 10:00 AM Eastern Time, on May 16, 2016. It will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first-come, first-served basis. One or more judges of the panel may attend remotely.

Each party will have sixty (60) minutes of total time, a portion of which it may initially reserve, to present arguments, in the following order:

First, Petitioner may argue its asserted grounds of unpatentability;

Second, Patent Owner may argue in opposition thereto and argue its Motions to Exclude;

Third, Petitioner may present rebuttal arguments with respect to its asserted grounds of unpatentability and in opposition to the Motions to Exclude (assuming Patent Owner argues those Motions); and

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Fourth, Patent Owner may present rebuttal arguments with respect to its Motions to Exclude (assuming Patent Owner argues those Motions).

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), at least five (5) business days prior to the hearing, each party shall serve on the other party (**and not file**) any demonstrative exhibit(s) it intends to use during the hearing. The parties should attempt to work out any objections to demonstratives prior to involving the Board. At least two (2) business days prior to the hearing, the parties shall provide the demonstrative exhibits to the Board by emailing them to Trials@uspto.gov. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case No. IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) for guidance regarding appropriate content of demonstratives.

The Board expects lead counsel for each party to be present at the hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at the hearing, the Board should be notified via a joint telephone conference call no later than two days prior to the hearing to discuss the matter.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov.

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