

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COALITION FOR AFFORDABLE DRUGS VII, LLC,  
Petitioner,

v.

POZEN INC.,  
Patent Owner.

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Case IPR2015-01718  
Patent 8,945,621 B2

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Held: November 16, 2016

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BEFORE: TONI R. SCHEINER, LORA M. GREEN, and  
JACQUELINE BONILLA, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,  
November 16, 2016, commencing at 1:00 p.m., at the U.S. Patent  
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2015-01718  
Patent 8,945,621 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

SAMONEH KADIVAR, ESQ.  
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Austin, Texas 78701-4078

1 PROCEEDINGS

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3 JUDGE SCHEINER: Good afternoon. Please be  
4 seated.

5 Okay. Let's take care of a little housekeeping first. We  
6 are here in the matter of IPR2015-01718, and I believe that each  
7 side will have 45 minutes to present their case. I typically don't  
8 use the thing, so I'll write down the times when we start. And we  
9 have no motion to amend in this case. Is that correct? That is  
10 correct.

11 So after we do introductions, Petitioner, you'll start, and  
12 you'll have 45 minutes, and you can reserve time, if you like, and  
13 the burden will be on you to establish patentability. Then, Patent  
14 Owner, you will have 45 minutes to present your response. Then  
15 we will shift back to you, assuming that you're going to -- do you  
16 know whether you want to reserve?

17 MS. LAVALLE: I do plan to reserve some time, yes.

18 JUDGE SCHEINER: Okay. So why don't we start  
19 with the introductions. Petitioner first, please.

20 MS. LAVALLE: Yes, Amy LaValle for Petitioner,  
21 Coalition for Affordable Drugs VII, LLC, and with me is my  
22 partner Jerry Harris.

23 THE COURT: Thank you.

24 For Patent Owner?

1 MS. SAMPSON: Margaret Sampson from Baker Botts  
2 here on behalf of Patent Owner, Pozen and Horizon, and with me  
3 is Sammy Kadivar, an associate at Baker Botts.

4 JUDGE SCHEINER: Thank you.

5 Okay, let's see, am I forgetting anything? I guess not.

6 All right. Let's -- why don't we hear from Petitioner  
7 first.

8 MS. LAVALLE: Thank you, Your Honor.

9 JUDGE SCHEINER: And we are starting right about  
10 1:00. I'm sorry, did you say -- how much time did you want to  
11 reserve?

12 MS. LAVALLE: I think about 15 minutes.

13 JUDGE SCHEINER: Okay. So we will go until about  
14 1:30, unless we ask you a lot of questions, and then we'll give you  
15 some extra time.

16 MS. LAVALLE: Right. It may not even take 30  
17 minutes for me, just depends on the questioning.

18 JUDGE SCHEINER: I like the sound of that.

19 MS. LAVALLE: Yeah.

20 JUDGE SCHEINER: Okay. Whenever you're ready.

21 We have your demonstratives, electronic copies of your  
22 demonstratives, so...

23 MS. LAVALLE: Would you like a hard copy?

24 JUDGE SCHEINER: Actually, I would, because I  
25 sometimes take notes on them. If you have them, yes.

1 MS. LAVALLE: I do.

2 JUDGE SCHEINER: It is not, you know, a  
3 requirement certainly, but --

4 MS. SAMPSON: Would you like Patent Owner's  
5 demonstratives?

6 JUDGE SCHEINER: Sure. I'm faster at taking notes  
7 with a pen than I am on the screen, so...

8 Thank you.

9 MS. LAVALLE: Okay, I will go ahead and get started.  
10 I want to try to make this presentation short so that I can save  
11 some time for rebuttal, but I also think this case is simple. The  
12 '621 patent is one of at least nine patents listed in the Orange  
13 Book that is directed to the pharmaceutical product Vimovo. The  
14 earliest Vimovo patent listed in the Orange Book that is also  
15 directed to Vimovo, which is an NSAID and an acid inhibitor in a  
16 unit dose form, is U.S. Patent Number 6,926,907, which is the  
17 prior art reference that we refer to as Plachetka. That is the  
18 primary prior art reference of our grounds one and two in this IPR  
19 proceeding.

20 Just some background, Plachetka issued as the '907  
21 patent in August 2005, about four years before the earliest  
22 priority date of the '621 patent that we are challenging here today.  
23 Despite the fact that both Plachetka and the '621 patent are  
24 directed to Vimovo and they share one named inventor, John  
25 Plachetka, the two patents are not in the same patent family. The

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