

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OSI PHARMACEUTICALS, LLC,
and GENENTECH, INC.,
Petitioner,

v.

ARCH DEVELOPMENT CORP. and
DANA-FARBER CANCER INSTITUTE, INC.,
Patent Owner.

Case IPR2016-01034
Patent 7,838,512 B1

Record of Oral Hearing
Held: Tuesday, June 20, 2017

Before: LORA M. GREEN, TINA E. HULSE, and ROBERT A. POLLOCK,
Administrative Patent Judges

The above-entitled matter came on for hearing on Tuesday, June 20, 2017, at
the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria,
Virginia, in Courtroom A, at 1:00 p.m.

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A P P E A R A N C E S

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1 PROCEEDINGS

2 JUDGE POLLOCK: Please be seated.

3 Good afternoon. This is the final hearing in
4 2016-01034. I'm Judge Pollock. With me is Lead Judge Green.
5 Judge Hulse is joining us remotely.

6 As set forth in the hearing order, each side will
7 have 60 minutes. Petitioner will go first, followed by
8 patent owner. Petitioner may reserve time for rebuttal.

9 The panel is familiar with the record and has an
10 open mind regarding the outcome. Consequently, we are keenly
11 interested in your presentations today. But before we begin
12 the substance of the hearing, I would ask the parties to
13 introduce themselves.

14 Petitioner, would you please introduce yourself
15 and your colleagues.

16 MS. WHELAN: Emily Whelan of WilmerHale. With me
17 is lead counsel David Cavanaugh. Here at counsel table with
18 me is Tim Cook. And, also, Matthew Kreeger of Morrison &
19 Foerster.

20 JUDGE POLLOCK: Welcome. Would you like to
21 reserve any time for rebuttal?

22 MS. WHELAN: Yes, we would.

1 JUDGE POLLOCK: How much?

2 MS. WHELAN: We'll plan on 15 minutes.

3 JUDGE POLLOCK: Would patent owner please
4 introduce yourself and your colleagues.

5 MS. SMITH: Sure. Hi. I'm Deann Smith. I am a
6 partner at Foley Hoag. And with me is Peter Sullivan and
7 Steve Kenny.

8 JUDGE POLLOCK: Thank you. A few matters of
9 housekeeping before we begin. First, I'd like to remind the
10 parties that this hearing is open to the public and a full
11 transcript of the hearing will be made part of the record.

12 Second, we are aware that patent owner has filed a
13 motion to exclude, which the parties are welcome to address
14 during your allotted time today but need not. We do not
15 expect to rule on this motion at the hearing but will address
16 it in our final written decision.

17 We also note that both parties have raised
18 objections to certain demonstrative exhibits. While you will
19 be able to refer to your demonstratives during the hearing,
20 they are not part of the record of this hearing.
21 Accordingly, we will not rely on new arguments in the final
22 written decision, nor will we rely on evidence such as may be

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