

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,  
Petitioner,

v.

QUALICAPS CO., LTD.,  
Patent Owner.

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Case IPR2017-00203  
Patent 6,649,180 B1

Before CHRISTOPHER M. KAISER, JEFFREY W. ABRAHAM, and  
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

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

Petitioner and Patent Owner each request an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 54, 55. Patent Owner requests 45 minutes of total argument time. Paper 54, 2. Petitioner did not request a specific amount of argument time. Paper 55. Having considered the parties' submissions, the parties' request for oral argument is GRANTED.

Each party will have **35 minutes** of total argument time. Petitioner bears the ultimate burden of proof that the patent claims at issue in this review are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial. Thereafter, Patent Owner will respond to Petitioner's arguments. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. Patent Owner may not reserve time for rebuttal.

The hearing shall commence at 1:00 pm (EST) on January 25, 2018. The hearing will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, VA. The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served seven business days before the hearing. The parties also shall provide the demonstrative exhibits to the Board at least three business days prior to the hearing by emailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov). The parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board.

The Board reminds the parties that demonstrative exhibits are not evidence, but are intended to assist the parties in presenting their oral arguments to the Board. The Board also reminds the parties that

demonstrative exhibits are not a mechanism for making arguments not previously addressed in the papers. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties may file any remaining objections with the Board at least three business days before the oral hearing. The objections should identify with particularity the portions of the demonstrative exhibits that are subject to objection and include a one-sentence statement of the basis for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections until the hearing. Any objection to demonstrative exhibits that is not timely presented will be considered waived. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

At least one member of the panel will be attending the hearing electronically from a remote location and may not be able to view the projection screen in the hearing room. In particular, documents presented on the Elmo projector are not visible to remote judges, so please plan accordingly. If a demonstrative exhibit is not made available or visible to the judge(s) presiding over the hearing remotely, that demonstrative will not be considered. Each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript and for

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the benefit of the judge(s) presiding over the hearing remotely. Because of limitations of the audio transmission systems in our hearing rooms, the presenter may speak only when standing at the hearing room lectern.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either 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.

Questions regarding specific audio-visual equipment should be directed to the Board at 571-272-9797. Requests for audio-visual equipment are to be made no later than 5 days in advance of the hearing date. The request is to be sent directly to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the request is not received timely, the equipment may not be available on the day of the hearing.

In light of the foregoing, it is:

ORDERED that the oral hearing, conducted pursuant to the procedures outlined above, shall commence at 1:00 PM (EST) on January 25, 2018.

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