UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUEVOLUTION A/S,
Petitioner,

v.

CHEMGENE HOLDING APS,
Patent Owner.

Case IPR2017-01598 (Patent 8,168,381 B2)
Case IPR2017-01599 (Patent 8,168,381 B2)
Case IPR2017-01603 (Patent 8,951,728 B2)

Record of Oral Hearing
Held: September 18, 2018

Before SUSAN L. C. MITCHELL, ROBERT A. POLLOCK, and TIMOTHY G. MAJORS, *Administrative Patent Judges.*

Case IPR2017-01598 (Patent 8,168,381 B2)
Case IPR2017-01599 (Patent 8,168,381 B2)
Case IPR2017-01603 (Patent 8,951,728 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Tuesday, September 18, 2018, commencing at 1:02 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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JUDGE MAJORS: Good afternoon. We're here today for an oral hearing in IPR 2017-01598, 01599, and 01603. Here Judge Majors, and with me Judges Mitchell and Pollock. Counsel for Petitioner, will you please introduce yourselves for the record?

MR. LARSEN: Yes, my name is Andrew Larsen, lead counsel for Petitioner, Nuevolution.

MR. SORENSON: Good afternoon. My name is Chris Sorenson, backup counsel for Petitioner, Nuevolution.

JUDGE MAJORS: Nice to meet you finally. We've talked several times on the phone, I know.

MR. LARSEN: Yes.

JUDGE MAJORS: I'll just briefly mention that there was an exchange of correspondence and orders from last week, and just for purposes of the record, Patent Owner has elected to cede its time for oral hearing today and further has elected not to appear for the oral hearing. So absent anything unusual happening, the Patent Owner is not making an appearance today.

So, Counsel, we're familiar with the record. We're going to give you 60 minutes' time. I'm not sure rebuttal time is going to be necessary today. And you may begin your presentation when ready.

MR. LARSEN: Okay, thank you, Your Honor. Just one point of note, we did prepare more of a consolidated presentation of the demonstratives that we shared with you last week. And we've presented that

as our oral argument presentation, and just ask if you'd like -- each like a copy of what will be the final presentation, which removes some of the demonstrative slides that we shared with you previously.

JUDGE MAJORS: So this is just a truncated version of the one that was sent around last week?

MR. LARSEN: Yes, primarily.

JUDGE MAJORS: Have you sent a copy to Patent Owner's counsel?

MR. LARSEN: No, we have not.

JUDGE MAJORS: Yeah, you can go ahead and present it, but I would -- you need to send that to Patent Owner's counsel, and we'll accept your representation that it's the same but a shortened number of slides, no further changes to the content.

MR. LARSEN: Okay. Yes, Your Honor, there's just one slide in the beginning that presents the invalidity grounds in each proceeding, just as part of our opening statement, but the rest of the content is identical, just removing some of the demonstrative slides.

JUDGE MAJORS: Okay, you can proceed.

MR. LARSEN: Okay. Would you like a copy, or just reserve that?

JUDGE MAJORS: You can send a copy to the trials email.

MR. LARSEN: Sure.

JUDGE MAJORS: And we'll see it here today.

MR. LARSEN: Okay, thank you.

JUDGE MAJORS: Would you like a hard copy?

JUDGE MITCHELL: I would. Sorry, I like a hard copy.

JUDGE MAJORS: Okay.

JUDGE MITCHELL: I'm old school.

JUDGE MAJORS: Change of plan.

JUDGE POLLOCK: I'll take a copy, please.

JUDGE MAJORS: Do you have hard copies for each of us?

MR. LARSEN: Yes.

JUDGE MAJORS: Okay.

MR. LARSEN: And we will send an email with a copy to opposing counsel right after this hearing.

JUDGE MAJORS: Okay.

MR. LARSEN: All right, thank you, Judge Majors, Judge Mitchell, and Judge Pollock. My name, as I said earlier, is Andrew Larsen, and I am lead counsel for Petitioner, Nuevolution, in these three inter parte review proceedings. With me today is Chris Sorenson, and we are both from the law firm of Merchant & Gould

As a first matter, Nuevolution would like to thank the Board for its time and attention to these proceedings. There is a voluminous record with several claims under review, and we certainly appreciate your efforts in reviewing and considering all the parties' briefings, as well as some uncharacteristically long prior art disclosures. And, of course, we thank you for granting us this oral argument, even though the Patent Owner, Chemgene, has decided not to appear today. We hope to be helpful and informative and to summarize the key issues in dispute here, and of course to answer any questions the Board may have.

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