

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NALOX-1 PHARMACEUTICALS, LLC
Petitioner,

v.

ADAPT PHARMA OPERATIONS LIMITED, and
OPIANT PHARMACEUTICALS, INC.,
Patent Owner.

Case IPR2019-00685 (Patent 9,211,253 B2)
Case IPR2019-00688 (Patent 9,468,747 B2)
Case IPR2019-00694 (Patent 9,629,965 B2)

Record of Oral Hearing
Held: May 19, 2020

Before ERICA A. FRANKLIN, ZHENYU YANG and
MICHAEL A. VALEK, *Administrative Patent Judges*.

Case IPR2019-00685 (Patent 9,211,253 B2)
Case IPR2019-00688 (Patent 9,468,747 B2)
Case IPR2019-00694 (Patent 9,629,965 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing Tuesday, May 19, 2020,
commencing at 10:31 a.m. EDT, by video.

Case IPR2019-00685 (Patent 9,211,253 B2)

Case IPR2019-00688 (Patent 9,468,747 B2)

Case IPR2019-00694 (Patent 9,629,965 B2)

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PROCEEDINGS

JUDGE YANG: Good morning and welcome everyone. This is the consolidated hearing for IPR 2019-00685, 688 and 694. The challenged patents are 9,211,253, 9,468,747 and 9,629,965. I am Judge Yang and as you can see, we also have Judges Franklin and Valek on the line.

Counsel, please introduce yourself. Let's start with Petitioner.

MR. BERMAN: Yes. Good morning, Your Honors. Richard Berman of Arent Fox, LLP on behalf of Petitioner, Nalox-1 Pharmaceuticals, LLC.

JUDGE YANG: Thank you. Welcome.

Patent Owner?

MS. BERNIKER: Good morning, Your Honors. Jessamyn Berniker of Williams & Connolly on behalf of the Patent Owners.

JUDGE YANG: Thank you and welcome.

Before we start the oral argument, we have a few housekeeping items I'd like to address first. This is a public hearing, so please proceed accordingly. And on that topic, there is a pending motion to seal from Patent Owner, I believe, at paper 32 in '688. Patent Owner asked us to seal - to enter the default protective order and to seal several 2000 series of exhibits. We will issue a decision on that motion shortly, but I noticed there is Exhibit 1248 that was also filed as protective order material, but there was no motion to seal that exhibit.

Petitioner, this is your exhibit. Did you intend to file it under seal?

MR. BERMAN: I'm not currently aware of that. I can have -- I can get back to you on that.

Case IPR2019-00685 (Patent 9,211,253 B2)

Case IPR2019-00688 (Patent 9,468,747 B2)

Case IPR2019-00694 (Patent 9,629,965 B2)

1 JUDGE YANG: Okay. Yes, please check. If you meant to file it as
2 protective order material, we need a motion on that.

3 MR. BERMAN: Yeah, that's apparently -- I'm sorry. Excuse me,
4 Your Honor. That's apparently the deposition transcript of Dr. Jones, the
5 Patent Owner's expert. That must have been mistaken. We did not intend to
6 file that under seal.

7 JUDGE YANG: All right.

8 MR. BERMAN: (Indiscernible) that.

9 JUDGE YANG: Okay. So we'll probably figure it out later. Patent
10 Owner, is there any protective material in that deposition? Do you by any
11 chance know? Do you intend to keep it sealed or should we unseal it?

12 MS. BERNIKER: I should be able to answer that question
13 (indiscernible) today. The only thing that I could imagine would be related
14 to the same subject matter as the exhibits that we had sealed and so we can
15 take it upon ourselves to see whether there is reference to anything in the
16 transcript.

17 JUDGE YANG: Very good. I don't want you to rush and make any
18 mistake, so if you both can confer afterwards and send us an email and let us
19 know, that'll be great.

20 MS. BERNIKER: Certainly. Thank you, Your Honor.

21 JUDGE YANG: All right. Thank you.

22 MR. BERMAN: Not a problem, Your Honor.

23 JUDGE YANG: All right. Moving on to another item I want to
24 check for today's hearing, we received Patent Owner's demonstratives.
25 Thank you. Petitioner, we did not receive any demonstratives from you. I

Case IPR2019-00685 (Patent 9,211,253 B2)

Case IPR2019-00688 (Patent 9,468,747 B2)

Case IPR2019-00694 (Patent 9,629,965 B2)

1 want to make sure there is no oversight there. Did you have any --

2 MR. BERMAN: That is correct, Your Honor.

3 JUDGE YANG: Okay. Very good.

4 Then for today's hearing, each party has 45 minutes to present its
5 argument. We'll start with Petitioner followed by Patent Owner and each
6 side can reserve time for rebuttal and we will deal with that when we get to
7 it.

8 During the argument, please clearly identify the record so the
9 transcript is clear and it is especially important for us today since we cannot
10 see what you are pointing to. Last week, I did have a hearing and counsel
11 was pointing to slides and I was like, "I cannot see you." But, we have all of
12 the records here and you can identify through your slide number, your paper
13 number, your exhibit number, you have the idea. Just be specific and we
14 will be able to follow you.

15 Also today we will be discussing all three cases. I understand from
16 the parties that we'll use the record from '688 for most of the argument, but
17 if there is any case-specific argument or paper, please bring those to our
18 attention. Lastly, the most important part, please mute yourself and only
19 unmute when you are talking. That includes myself, and other judges too
20 because the -- otherwise, the feedback can be unbearable.

21 Any questions?

22 MR. BERMAN: No, Your Honor.

23 JUDGE YANG: All right.

24 MS. BERNIKER: No, Your Honor. No questions.

25 JUDGE YANG: So Petitioner, would you like to reserve any time for

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