

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLAYBACK PHARMA LLC

Petitioner

v.

EYE THERAPIES LLC

Patent Owner

Case No. IPR2022-00142
U.S. Patent No. 8,293,742

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board's Scheduling Order dated May 18, 2022 (Paper 15), Petitioner Slayback Pharma LLC respectfully requests Oral Argument on issues related to the instituted grounds and on any issues raised in any pending motions or briefing filed by the parties, including:

- Grounds for which *inter partes* review was instituted in this proceeding and any issues raised in the Board's Institution Decision dated May 18, 2022 (Paper 13);
- Any issue addressed in Petitioner's papers, including, but not limited to, the Petition, Petitioner's Reply Brief, and any motion filed by Petitioner; and
- Rebuttal to Patent Owner's presentations on all issues, including, but not limited to, the issues listed above and any issues raised in Patent Owner's Response, Patent Owner's Sur-Reply, and any motion filed by Patent Owner.

The Board scheduled the Oral Hearing for this proceeding for February 27, 2023 at the USPTO Headquarters in Alexandria, VA. Paper 17; Paper 15 at 7. Petitioner requests 60 minutes per side to present arguments at the hearing. Petitioner is amenable to conducting oral argument at the USPTO's Headquarters, as indicated by the Board. Paper 15, at 7. Petitioner is also amenable to a remote hearing for the convenience of the Board, and thus defers to the Board's preference.

Petitioner also respectfully requests the ability to use audio-visual equipment to display demonstrative exhibits, including use of a computer, a projector, a digital projector/document camera (“Elmo”), and a screen. To the extent the Oral Argument is conducted by video or telephone, Petitioner respectfully requests to file its demonstratives with the Board and to refer to its demonstratives during argument.

January 4, 2023

Respectfully submitted,

/Linnea P. Cipriano/
Linnea P. Cipriano
(Reg. No. 67,729)
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
Phone: (212) 813-8800
Fax: (212) 937-2204
lcipriano@goodwinlaw.com

Counsel for Petitioner
Slayback Pharma LLC

CERTIFICATE OF SERVICE

I, Linnea P. Cipriano, certify that I caused to be served a true and correct copy of the foregoing **Request for Oral Argument** by email on January 4, 2023, as follows:

Bryan Diner bryan.diner@finnegan.com
Justin Hasford Justin.hasford@finnegan.com
Caitlin O'Connell caitlin.oconnell@finnegan.com
Christina Yang christina.yang@finnegan.com

January 4, 2023

/Linnea P. Cipriano/
Linnea P. Cipriano
(Reg. No. 67,729)
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
Phone: (212) 813-8000
Fax: (212) 937-2204
lcipriano@goodwinlaw.com

Counsel for Petitioner
Slayback Pharma LLC