

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLUEBIRD BIO, INC.,

Petitioner,

v.

SLOAN KETTERING INSTITUTE FOR CANCER RESEARCH,

Patent Owner.

Case No. IPR2023-00070

Patent No. 7,541,179

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Case No. IPR2023-00070
Patent No. 7,541,179

Pursuant to the April 24, 2023, Scheduling Order (Paper 9) and 37 C.F.R. § 42.70(a), Patent Owner respectfully requests that the Patent Trial and Appeal Board hear oral argument on the issues set forth below.

There are currently two pending IPR proceedings between the parties, both of which are scheduled for oral argument on January 24, 2024 (*see* Paper 9 at 11).

The two proceedings are:

IPR2023-00070 (U.S. Patent No. 7,541,179 (“the ’179 patent”)); and
IPR2023-00074 (U.S. Patent No. 8,058,061 (“the ’061 patent”)).

The two patents are within the same patent family. Due to related issues in these cases, Patent Owner respectfully requests that the Board allow for a single oral argument for the two above-cited cases. If the Board permits such consolidation for the purpose of oral argument, Patent Owner respectfully requests 90 minutes of argument time. Patent Owner further requests the oral argument to be conducted in-person at the USPTO Headquarters in Alexandria, Virginia.

Pursuant to 37 C.F.R. § 42.70(a), Patent Owner specifies the following issues to be argued in regard to the two cases, without intent to waive consideration of any issue not requested:

(1) Grounds for which *inter partes* review was instituted for the '179 patent and any issue raised in the Board's Institution Decision dated April 24, 2023 (Paper 8);

(2) Any issue addressed in any motion or paper filed by Patent Owner, including, but not limited to, Patent Owner's Preliminary Response, Patent Owner's Sur-Reply to Petitioner's Reply to Preliminary Response, Patent Owner's Response, and Patent Owner's Sur-Reply to Petitioner's Reply Brief;

(3) Any other issues raised by Petitioner during oral argument, in a request for oral argument, in a motion to exclude (if any), or in any other motion or paper filed by Petitioner before oral argument, including the Petition and Petitioner's Reply Brief; and

(4) Any other issues that the Board deems necessary for issuing a final written decision.

Patent Owner requests the ability to use audio-visual equipment to display demonstrative exhibits, including the use of a projector and screen for PowerPoint display.

In accordance with 37 C.F.R. § 42.70(a), Patent Owner will serve any demonstrative exhibits at least seven (7) business days before the oral argument and will file them no later than the time of the oral argument.

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Patent No. 7,541,179

Respectfully submitted,

Dated: December 12, 2023

By: /s/ Michael W. Glynn

Michael W. Glynn, Ph.D. (Reg. No. 76,729)
FOX ROTHSCHILD LLP
101 Park Avenue, 17th Floor
New York, NY 10178
Telephone: (212) 878-7900
Facsimile: (212) 692-0940
mglynn@foxrothschild.com

Joe Chen, Ph.D. (Reg. No. 70,066)
FOX ROTHSCHILD LLP
997 Lenox Drive
Lawrenceville, NJ 08648
Telephone: (609) 844-3024
Facsimile: (609) 896-1469
joechen@foxrothschild.com

Wanda French-Brown (*pro hac vice*)
FOX ROTHSCHILD LLP
101 Park Avenue, 17th Floor
New York, NY 10178
Telephone: (212) 878-7900
Facsimile: (212) 692-0940
wfrench-brown@foxrothschild.com

Howard S. Suh (*pro hac vice*)
FOX ROTHSCHILD LLP
101 Park Avenue, 17th Floor
New York, NY 10178
Telephone: (212) 878-7900
Facsimile: (212) 692-0940
hsuh@foxrothschild.com

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Patent No. 7,541,179

James H. McConnell (*pro hac vice*)

Fox Rothschild LLP

101 Park Avenue, 17th Floor

New York, NY 10178

Telephone: (212) 878-7900

Facsimile: (212) 692-0940

jmccConnell@foxrothschild.com

**Attorneys for San Rocco Therapeutics,
LLC, on behalf of Sloan Kettering Institute
for Cancer Research**

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