

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GRÜNENTHAL GMBH,  
Petitioner,

v.

ANTECIP BIOVENTURES II LLC,  
Patent Owner.

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Case PGR2019-00026 (Patent 9,931,352)  
Case PGR2019-00027 (Patent 10,039,774)  
Case PGR2019-00028 (Patent 10,052,338)

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Record of Oral Hearing  
Held: April 24, 2020

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Before GRACE K. OBERMANN, CHRISTOPHER M. KAISER, and  
WESLEY B. DERRICK, *Administrative Patent Judges*.

PGR2019-00026 (Patent 9,931,352)  
PGR2019-00027 (Patent 10,039,774)  
PGR2019-00028 (Patent 10,052,338)

APPEARANCES:

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The above-entitled matter came on for hearing on Friday, April 24, 2020, commencing at 1:00 p.m., EDT, via video teleconference.

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1 PROCEEDINGS

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3 1:01 p.m.

4 JUDGE OBERMANN: This is a consolidated final trial hearing in  
5 PGR 2019-00026, PGR 2019-00027, and PGR 2019-00028. I am Judge  
6 Grace Obermann, and we also have on the panel today Judge Christopher  
7 Kaiser and Judge Wesley Derrick.

8 This hearing is open to the public, so please don't reveal any  
9 confidential information.

10 Also, because this hearing is being conducted entirely by video,  
11 please identify yourself when speaking and state for the record the page  
12 number of any exhibit that you refer to in your argument.

13 We all have electronic access to the demonstratives and also to  
14 papers and exhibits that were filed in each case.

15 But I will ask you please to allow a time -- there may be a time lag in  
16 the audio, so please mute yourself when you're not speaking.

17 The three cases are not consolidated, so please take care to prevent  
18 blurring of the evidence. For example, don't refer to an exhibit filed in one  
19 proceeding when arguing a point in a related proceeding in which the same  
20 exhibit is not of record.

21 Each side has a total of 90 minutes to present arguments. I will  
22 keep track of your time.

23 Let me start by asking, who will be presenting argument today for  
24 Petitioner?

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1 MR. MINION: Good afternoon, your honors. Dan Minion from  
2 Venable, LLP. I will be arguing in the entirety for Petitioner.

3 JUDGE OBERMANN: Thank you, Mr. Minion. And who will be  
4 arguing on behalf of Patent Owner today?

5 MR. FREEMAN: Good afternoon, your honors. This is Parrish  
6 Freeman from Maschoff Brennan. I'll be arguing for the Patent Owner  
7 today.

8 JUDGE OBERMANN: Thank you, Mr. Freeman. Mr. Minion,  
9 would you like to introduce anyone else that may be with you today?

10 MR. MINION: I have three of my colleagues on the -- joined by  
11 phone. William Solander, Katherine Adams, and James Tyminski, all of  
12 Venable, LLP.

13 JUDGE OBERMANN: Thank you. Welcome, everyone. Mr.  
14 Freeman, do you have anyone with you today?

15 MR. FREEMAN: Yes, I have Brent Johnson on the line with me.  
16 He is lead counsel.

17 JUDGE OBERMANN: Okay, great. Thank you so much for being  
18 here, Mr. Johnson. With that, I'm going to start with Petitioner's argument  
19 and I'm going to start by asking Mr. Minion, would you like to reserve any  
20 of your argument time, up to 30 minutes? Or no --

21 MR. MINION: Yes, your honor --

22 JUDGE OBERMANN: -- up to 45 minutes.

23 MR. MINION: -- I'd like to -- yes, your honor, I'd like to reserve 20  
24 minutes.

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1 JUDGE OBERMANN: Twenty minutes, okay, that means you're  
2 going to have 70 minutes for your primary argument. And, Mr. Freeman,  
3 before we start, I'll ask you too, do you want to -- well, I can ask you  
4 afterwards, because you may change your mind after you hear the primary  
5 argument. Okay. With that, I will start the 70 minutes when you begin  
6 speaking, Mr. Minion.

7 MR. MINION: All right. Thank you, again, your honor. I hope  
8 everyone is safe and well. This is my first virtual oral hearing, so hopefully  
9 it all goes smoothly.

10 This is actually now our seventh oral hearing between the parties in  
11 this proceeding. And we have now, this will be Judge Derrick's first  
12 participation in one of these.

13 So, I'd like to give a little bit more of a background and reorient  
14 everyone as to where things stand and how this fits into the prior  
15 proceedings. So, if you can turn to Slide Number 2.

16 So, these three patents here are among six patents that have been  
17 challenged by the Petitioner that are directed to the treatment of patients  
18 with complex regional pain syndrome with the administration of neridronic  
19 acid.

20 There were some other proceedings, prior proceedings that were  
21 directed to the treatment of pain with a different bisphosphonate, zoledronic  
22 acid. That's not at issue here, just neridronic acid.

23 Neridronic acid was invented, developed, and approved in Italy for  
24 use in patients with CRPS by Abiogen Pharma, which was the real-party-in-

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