

UNITED STATES PATENT AND TRADEMARK OFFICE

ETON PHARMACEUTICALS

Petitioner

-VS-

EXELA PHARMA SCIENCES, LLC,

Patent Owner

U.S. Patent No. 10,478,453

PGR2020-00064

Board Members: Judge Jenks
Judge Mitchell
Judge Paulraj

TELEPHONE CONFERENCE

Tuesday, September 21, 2020 - 2:00 p.m. CST

Reported by:

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Appeared on behalf of the Patent Owner.

1 PROCEEDINGS

2 JUDGE JENKS: Hello. Good
3 afternoon. This is a conference call in PGR
4 2020-00064 involving Patent No. 10,478,453.

5 I'm Judge Jenks, and I'm joined
6 today by Judge Mitchell and Judge Paulraj as
7 well.

8 So let me begin --

9 MR. GABRIC: Good afternoon.

10 JUDGE JENKS: Good afternoon.
11 Let me begin with the appearances of counsel.

12 Who do I have on the call for
13 Petitioner and who will be speaking?

14 MR. GABRIC: You have Ralph
15 Gabric on the call. I'll be speaking for
16 Petitioner. And joining me on the call for
17 Petitioner are Eugene Goryunov and Judy He.
18 Sorry, Eugene. I apologize.

19 MR. GORYUNOV: That's all
20 right. It's not the simplest last name in the
21 world.

22 MR. GABRIC: Why don't I just

1 call you EG?

2 Sorry about that, Your Honor.

3 JUDGE JENKS: Anybody else?

4 MR. GABRIC: Not for
5 Petitioner. Not for Petitioner. No, not from
6 Petitioner.

7 JUDGE JENKS: Okay. So Patent
8 Owner, who do we have on the phone and who will
9 be speaking?

10 MS. WHELAN: Good afternoon,
11 Your Honor. This is Dorothy Whelan. I will --
12 I'm speaking on behalf of Patent Owner, Exela.
13 And I'm joined by my Fish & Richardson
14 colleagues, Betty Flanagan, Christina
15 Brown-Marshall, and Alana Mannige.

16 JUDGE JENKS: Excellent. So
17 another question, is there a court reporter on
18 the call, and if so, will the party responsible
19 for the court reporter file a copy of the
20 transcript with the Board as an exhibit?

21 MR. GABRIC: Yes, Your Honor,
22 there is a court reporter on the call and

1 Petitioner will file the transcript.

2 JUDGE JENKS: Thank you.

3 Thank you very much.

4 Petitioner, you've requested this
5 call seeking authorization to file a reply for
6 two Patent Owner preliminaries, a preliminary
7 response?

8 MR. GABRIC: Correct.

9 JUDGE JENKS: Specifically,
10 you're wishing to reply to certain points
11 raised by Patent Owner in their preliminary
12 response.

13 Can you elaborate for us what it is
14 you want and what it is you're hoping to
15 achieve?

16 MR. GABRIC: Yes. Yes, Your
17 Honor. And feel free to jump in if I get too
18 much in the weeds. I'll try to avoid it.

19 But on the first point we'd like to
20 respond to, and it's an argument that, quite
21 frankly, we did not anticipate, is the argument
22 that there's a lack of particularity with the

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