

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MURRAY & POOLE ENTERPRISES LTD.,
Petitioner

v.

INSTITUT DE CARDIOLOGIE DE MONTREAL,
Patent Owner

Case No. IPR2023-01064
Patent No. 11,400,063

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Board's Scheduling Order (Paper 10), Murray & Poole requests oral argument, which is currently scheduled for Friday, October 15, 2024.

I. PLACE OF ORAL ARGUMENT

The scheduling order (Paper 10) indicates that the parties may request that the oral argument take place in person at the USPTO headquarters in Alexandria, Virginia. The parties have conferred and agreed to request an in-person oral argument in Alexandria. Murray & Poole therefore requests an in-person oral argument in Alexandria.

II. DURATION OF ORAL ARGUMENT

Murray & Poole believes that 60 minutes per side will be adequate for argument of the issues in this case and therefore requests one hour of argument time.

III. IDENTIFICATION OF ISSUES

By way of example and not exclusion, Murray & Poole identifies the following issues as likely to be discussed at the oral argument:

- (1) Whether Murray & Poole has shown by a preponderance of the evidence whether the challenged claims of the '063 Patent are unpatentable under the grounds for which trial has been instituted.

- (2) Whether claims 1-13, 17-26, 28, 40-46, 49, 50 of the '063 Patent are anticipated by Bouabdallaoui (Ex. 1005).
- (3) Whether claims 27, 29-36, 39 of the '063 Patent are anticipated by the COLCOT Protocol (Ex. 1006).
- (4) Whether claims 1-50 of the '063 Patent are obvious over Nidorf (Ex. 1007) in view of the COLCOT Protocol, ESC Guidelines (Ex. 1009), and/or COLCRYS (Ex. 1016).
- (5) Whether claims 1-26, 28, 40-50 of the '063 Patent are obvious over Bouabdallaoui in view of COLCRYS.
- (6) Whether the claims of the '063 Patent are entitled to the filing dates of its provisional patent applications.
- (7) Whether Bouabdallaoui qualifies as prior art to the '063 Patent.
- (8) Whether the patent owner has met its burden to produce sufficient, corroborated evidence that Dr. Tardif is the sole inventor of all claims of the '063 Patent.
- (9) Whether the COLCOT Protocol is a prior art printed publication.
- (10) Whether the patent owner has proven secondary considerations of nonobviousness.

- (11) Whether the patent owner's surreply (Paper 37) contains improper new arguments at the following locations:
- (a) Page 1, lines 5-9.
 - (b) Page 3, line 14 - page 4, line 2.
 - (c) Page 21, lines 9-16
- (12) Whether evidence subject to a motion to exclude should be excluded.
- (13) All issues identified by the patent owner in its request for oral argument.
- (14) Claim constructions involved in any one of the issues above.
- (15) All issues raised by the Board during the oral argument.
- (16) Any other issue relevant to any issue listed above.

Respectfully submitted,

2024 Sept. 3

/Joanna T. Brougher/

Joanna T. Brougher

Registration No. 62,640

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2024, copies of the foregoing PETITIONER'S REQUEST FOR ORAL ARGUMENT and all documents filed with it were served via electronic mail, as agreed to by counsel, upon the following counsel for the Petitioner:

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