

From: [Edwards, Jeremy](#)
To: [Adam M. Nicolais](#); [Daniel L. Shores](#)
Cc: [Maddox, Steven](#)
Subject: [EXTERNAL] RE: Request for Oral Argument (IPR2023-00490)
Date: Monday, March 11, 2024 8:55:40 AM

Adam,

We agree with jointly requesting an in-person Oral Hearing with one hour per side. And we agree that either party can request an additional 15 minutes under the LEAP program.

We do not agree with your proposal regarding sur-rebuttal. Specifically, we cannot pre-agree that patent owner be permitted to use “any unused time” for such sur-rebuttal. In our view, the propriety and duration of sur-rebuttal will depend on what occurs up to and during the hearing. Accordingly, we propose adhering to the TPG (p.83), which indicates that the patent owner may request “a brief sur-rebuttal,” which the Board may or may not permit. And we reserve the right to object to such request and/or to the duration of any requested sur-rebuttal.

Sincerely,

Jeremy

JEREMY J. EDWARDS
PARTNER

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CHEMGENES EXHIBIT 2040
Shanghai Hongene v. ChemGenes
Case IPR2023-00490

From: Adam M. Nicolais <anicolais@rothwellfigg.com>
Sent: Friday, March 8, 2024 3:30 PM
To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>; Daniel L. Shores <DShores@rfem.com>
Cc: Maddox, Steven <Steven.Maddox@procopio.com>
Subject: RE: Request for Oral Argument (IPR2023-00490)

*** EXTERNAL EMAIL - Please use Caution. ***

Hi Jeremy,

Pursuant to the PTAB Trial Practice Guide’s instruction to meet and confer before filing Requests for Oral Hearing (TPG at 82), which are due Tuesday, March 12th (Due Date 4), below is Patent Owner’s proposal for an in-person oral argument time allotment.

The Trial Practice Guide states that “the Board expects to ordinarily provide for an hour of

argument per side for a single proceeding.” (TPG at 81).

As such, Patent Owner proposes that each side be granted a total of one (1) hour for in-person oral argument (subject to a later request for an additional 15 minutes pursuant to the LEAP program (see Paper 8 at 7-8)), and that any unused time can be used for Petitioner’s rebuttal and Patent Owner’s sur-rebuttal.

Please advise if this proposal is acceptable to Petitioner and/or whether you would prefer to set up a call to confer on this issue. If you would like to discuss over the phone, we are available Monday, March 11th from 10am-12pm or 1pm-3pm Eastern.

Many thanks,

-Adam



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