

From: [Edwards, Jeremy](#)
To: [Adam M. Nicolais](#); [Daniel L. Shores](#)
Cc: [Maddox, Steven](#); [Garrison, Brett](#); [Joseph A. Hynds](#); [Aydin Harston](#); [Nasri Hage](#)
Subject: [EXTERNAL] RE: IPR2023-00490 - Motion to Seal
Date: Thursday, March 14, 2024 11:45:15 AM

Adam,

Thank you for your response.

We can agree to remove the Ex. 2035 redactions from pages 117 and 152.

With that, I believe I can represent to the Panel in my motion to seal that we have conferred and that Patent Owner does not object to the proposed redactions. If you do not believe that is accurate, please let me know today.

Sincerely,

Jeremy

JEREMY J. EDWARDS
PARTNER

P. 202.830.0540 C. 410.627.6833 | jeremy.edwards@procopio.com
1901 L. Street, N.W., Suite 620, Washington, DC 20036

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CHEMGENES EXHIBIT 2042
Shanghai Hongene v. ChemGenes
Case IPR2023-00490

From: Adam M. Nicolais <anicolais@rothwellfigg.com>
Sent: Thursday, March 14, 2024 11:25 AM
To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>; Daniel L. Shores <DShores@rfem.com>
Cc: Maddox, Steven <Steven.Maddox@procopio.com>; Garrison, Brett <Brett.Garrison@procopio.com>; Joseph A. Hynds <jhynds@rothwellfigg.com>; Aydin Harston <aharston@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>
Subject: RE: IPR2023-00490 - Motion to Seal

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

Hi Jeremy,

We have reviewed the proposed redactions Petitioner provided and are returning with our comments.

With respect to Exhibits 2033 and 2034, we acknowledge that Petitioner has agreed that these

documents are not confidential and can be filed publicly without redaction.

With regard to the Sur-Reply brief, we do not object to Hongene's proposed redactions.

In connection with Exhibit 2035, we acknowledge that Hongene is no longer proposing redactions to Ex. 2035 at 117:19, 117:23-25, 118:1, 118:4-8, 118:16-18, 119:10, 119:25. However, we disagree that there is any basis to redact the testimony at 117:15 and 152:8, 10-11, 13. There appears to be no basis, "that such information [is] **extremely sensitive confidential business information** the disclosure of which to another Party or Non-Party would create a **substantial risk of serious harm** that could not be avoided by less restrictive means." (Paper 26 at 4). The proposed redactions at 117:15 simply relate to the number of hours Dr. Baran has spent working on Hongene's advisory board and does not contain any information relating to business information, competitive strategy, trade secrets etc. that would pose a "substantial risk of serious harm" to Hongene. Likewise, the proposed redactions on page 152 simply relate to whether a CDA is in place between Elsie and Hongene, which does not disclose any commercial or competitive information that would create a "substantial risk of serious harm" to Hongene.

With respect to Exhibits 2036, 2038, and 2039, we do not object to Hongene's proposed redactions.

We believe the issues have been significantly narrowed and are willing to continue to confer to see if we can reach agreement on all issues.

-Adam



Adam M. Nicolais
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From: Edwards, Jeremy <Jeremy.Edwards@procopio.com>

Sent: Wednesday, March 13, 2024 11:17 AM

To: Daniel L. Shores <DShores@rfem.com>

Cc: Maddox, Steven <Steven.Maddox@procopio.com>; Garrison, Brett <Brett.Garrison@procopio.com>; Joseph A. Hynds <jhynds@rothwellfigg.com>; Aydin Harston <aharston@rothwellfigg.com>; Adam M. Nicolais <anicolais@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>

Subject: [EXTERNAL] RE: Tomorrow's filing

Dan,

One update. We are no longer proposing to redact Ex. 2035 at 117:19, 117:23-25, 118:1, 118:4-8, 118:16-18, 119:10, 119:25.

The rest of our proposed redactions stand.

Please let us know your position(s) regarding the redactions as they relate to the motion to seal due Friday.

Sincerely,

Jeremy

JEREMY J. EDWARDS

PARTNER

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From: Edwards, Jeremy

Sent: Tuesday, March 12, 2024 9:40 AM

To: 'Daniel L. Shores' <DShores@rfem.com>

Cc: Maddox, Steven <Steven.Maddox@procopio.com>; Garrison, Brett <Brett.Garrison@procopio.com>; 'Joseph A. Hynds' <jhynds@rothwellfigg.com>; 'Aydin Harston' <aharston@rothwellfigg.com>; 'Adam M. Nicolais' <anicolais@rothwellfigg.com>; 'Nasri Hage' <Nhage@rothwellfigg.com>

Subject: RE: Tomorrow's filing

Dan,

Hongene's positions regarding confidentiality of the documents Chemgenes filed under seal are as follows:

Exhibits 2033 and 2034 can be filed publicly without redaction.

The remainder of the sur-reply filings filed under seal (sur-reply brief, Ex. 2033-2036, 2038, 2039) can be filed publicly but with redactions as per the attached (redactions to be applied where the red boxes appear. These redactions are intended to be narrowly tailored to protect outside counsel eyes only information subject to the protective order.

Please let us know as soon as possible whether you object to any of the redactions.

Sincerely,

Jeremy

JEREMY J. EDWARDS

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From: Edwards, Jeremy

Sent: Monday, March 11, 2024 9:05 AM

To: 'Daniel L. Shores' <DShores@rfem.com>

Cc: Maddox, Steven <Steven.Maddox@procopio.com>; Garrison, Brett <Brett.Garrison@procopio.com>; Joseph A. Hynds <jhynds@rothwellfigg.com>; Aydin Harston <aharston@rothwellfigg.com>; Adam M. Nicolais <anicolais@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>

Subject: RE: Tomorrow's filing

Dan,

I'm waiting for client to weigh in and will get them to you as soon as I can. Not yet sure when that will be. Hopefully tomorrow.

Best,

Jeremy

JEREMY J. EDWARDS

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From: Daniel L. Shores <DShores@rfem.com>

Sent: Friday, March 8, 2024 8:13 AM

To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>

Cc: Maddox, Steven <Steven.Maddox@procopio.com>; Garrison, Brett <Brett.Garrison@procopio.com>; Joseph A. Hynds <jhynds@rothwellfigg.com>; Aydin Harston <aharston@rothwellfigg.com>; Adam M. Nicolais <anicolais@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>

Subject: Re: Tomorrow's filing

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

Jeremy,

I am writing to follow up to see when you were planning to provide the proposed redactions. Could you please let us know?

Thanks,
Dan

From: Edwards, Jeremy <Jeremy.Edwards@procopio.com>
Date: Thursday, February 29, 2024 at 11:06 AM
To: Daniel L. Shores <DShores@rfem.com>
Cc: Maddox, Steven <Steven.Maddox@procopio.com>, Garrison, Brett <Brett.Garrison@procopio.com>, Joseph A. Hynds <jhynds@rothwellfigg.com>, Aydin Harston <aharston@rothwellfigg.com>, Adam M. Nicolais <anicolais@rothwellfigg.com>, Nasri Hage <Nhage@rothwellfigg.com>
Subject: RE: Tomorrow's filing

Dan – Thanks. Changes are fine. Will send to Panel soon.

Sincerely,

Jeremy

JEREMY J. EDWARDS
PARTNER

—
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From: Daniel L. Shores <DShores@rfem.com>
Sent: Thursday, February 29, 2024 8:03 AM
To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>
Cc: Maddox, Steven <Steven.Maddox@procopio.com>; Garrison, Brett <Brett.Garrison@procopio.com>; Joseph A. Hynds <jhynds@rothwellfigg.com>; Aydin Harston <aharston@rothwellfigg.com>; Adam M. Nicolais <anicolais@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>
Subject: Re: Tomorrow's filing

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

Jeremy,

We are fine with the proposed briefing schedule. See suggested adjustments below.

Thanks,
Dan

From: Daniel L. Shores <DShores@rfem.com>
Date: Wednesday, February 28, 2024 at 4:59 PM
To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>
Cc: Maddox, Steven <Steven.Maddox@procopio.com>, Garrison, Brett <Brett.Garrison@procopio.com>, Joseph A. Hynds <jhynds@rothwellfigg.com>, Aydin Harston <aharston@rothwellfigg.com>, Adam M. Nicolais <anicolais@rothwellfigg.com>, Nasri Hage <Nhage@rothwellfigg.com>
Subject: Re: Tomorrow's filing

Thank you, Jeremy. We will review this and get back to you.

Best regards,
Dan

From: Edwards, Jeremy <Jeremy.Edwards@procopio.com>
Date: Wednesday, February 28, 2024 at 2:33 PM
To: Daniel L. Shores <DShores@rfem.com>
Cc: Maddox, Steven <Steven.Maddox@procopio.com>, Garrison, Brett <Brett.Garrison@procopio.com>, Joseph A. Hynds <jhynds@rothwellfigg.com>, Aydin Harston <aharston@rothwellfigg.com>, Adam M. Nicolais <anicolais@rothwellfigg.com>, Nasri Hage <Nhage@rothwellfigg.com>
Subject: RE: Tomorrow's filing

Dan,

We intend to move to seal portions of your filing from yesterday. We do not think we require permission from the Panel to move to seal, but , we plan to email the Board tomorrow to propose a briefing timeline.

Given the volume of Chemgenes' filing yesterday, our need to closely coordinate with our client in China, a hearing in another matter next week, and travel by me and my team members this week and next, we intend to propose that Hongene have until March 15 to file our motion to seal.

This will also give us time to provide you with proposed redactions, which will hopefully help us reduce and clarify matters in dispute.

Below is a draft email to the Board proposing a briefing schedule. Please let me know if it looks acceptable to you or propose revisions:

Dear Panel,

I write on behalf of Petitioner in the above IPR regarding Petitioner's intent to file a motion to seal portions of the February 27, 2024 filings by Patent Owner. ~~The parties have conferred and propose that~~ Petitioner would like to file its motion to seal by March 15, 2024, with any opposition due two weeks after the motion, and any reply due within one week after the opposition. The parties have conferred over email and Patent Owner does not object to this proposed schedule.

Naturally, Petitioner respectfully requests that the February 27, 2024 filings remain under seal at least until the motion to seal is decided (and thereafter to the extent the Panel determines that sealing is warranted).

~~The parties~~ We respectfully request that the Panel indicate whether this briefing schedule is acceptable, or schedule a call to discuss, if needed.

The parties are available for such a call during the following times (all ET):

Petitioner:

March 4, 8am-6pm

March 6, 8am-4pm

March 7, 8am-3pm

Patent Owner:

March 4, 8am-5pm

March 7, 8am-3pm

March 11, 8am-5pm

Respectfully,

JEREMY J. EDWARDS

PARTNER

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From: Daniel L. Shores <DShores@rfem.com>

Sent: Wednesday, February 28, 2024 11:28 AM

To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>

Cc: Maddox, Steven <Steven.Maddox@procopio.com>; Garrison, Brett <Brett.Garrison@procopio.com>; Joseph A. Hynds <jhynds@rothwellfigg.com>; Aydin Harston <aharston@rothwellfigg.com>; Adam M. Nicolais <anicolais@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>

Subject: Re: Tomorrow's filing

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

Jeremy,

We filed the relevant papers under seal yesterday. We do not bear any responsibility for how our filing is handled from here on out in terms of public disclosure.

As discussed during the call with the Panel yesterday, the burden is on Hongene to move to seal the documents as confidential and justify its designations.

Moreover, most, if not all, of the information Hongene claims is "Outside Attorneys Eyes Only" fails to meet the very high standard for that designation as set forth in the Protective Order. Please identify what Hongene claims is "Outside Attorneys Eyes Only" and "Protective Order Material" in the form of proposed redactions to Dr. Baran's 2/20 transcript and the documents Hongene has produced as soon as possible. Thanks.

Best regards,
Dan

From: Edwards, Jeremy <Jeremy.Edwards@procopio.com>

Date: Monday, February 26, 2024 at 2:19 PM

To: Daniel L. Shores <DShores@rfem.com>

Cc: Maddox, Steven <Steven.Maddox@procopio.com>, Garrison, Brett <Brett.Garrison@procopio.com>, Adam M. Nicolais <anicolais@rothwellfigg.com>, Nasri Hage <Nhage@rothwellfigg.com>, Joseph A. Hynds <jhynds@rothwellfigg.com>, Aydin Harston <aharston@rothwellfigg.com>

Subject: RE: Tomorrow's filing

Counsel for Chemgenes,

I'm writing to follow up on my conversation with Dan Shores today about maintaining confidentiality of highly confidential attorney's eyes only information in this proceeding. I understand from Dan that Chemgenes will be filing its surreply tomorrow and that it will contain some of Hongene's highly confidential attorney's eyes only information.

To be clear, Hongene does not consent to the filing of any papers in this IPR that would make Hongene's confidential information publicly available, even temporarily. In our view, Rothwell Figg is bound by the protective order not to publicly disclose Hongene's confidential information.

If you are unsure how to file your papers tomorrow without publicly disclosing Hongene's confidential information, you seek guidance from the Board. We have a 3pm call with the Panel tomorrow anyway, so if by that time you are unsure how to proceed, you should seek the Panel's guidance on the call.

Sincerely,

Jeremy

JEREMY J. EDWARDS

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From: Daniel L. Shores <DShores@rfem.com>

Sent: Monday, February 26, 2024 1:18 PM

To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>

Subject: Tomorrow's filing

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

Jeremy, per my voicemail, could you please give me a quick call? Wanted to give you a heads up about something. Thanks, 617-312-3101.

Mon Feb 26 2024 11:19:34

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Wed Feb 28 2024 11:33:26

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Thu Feb 29 2024 08:05:55

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Wed Mar 13 2024 08:16:36

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Thu Mar 14 2024 08:45:05

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