

**From:** [Trials](#)  
**To:** [Cipriano, Linnea P](#); [Trials](#)  
**Cc:** [DG-Fusion-IPR](#); [Hasan, Art](#); [Schneider, Lauren E.](#); [LR IP Docketing](#)  
**Subject:** RE: IPR2023-00551 Fusion Pharm. v. Universitat Heidelberg  
**Date:** Wednesday, June 7, 2023 12:55:28 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Counsel,

From the Board –

Petitioner is authorized to submit a Reply of no more than 7 pages to the Patent Owner Preliminary Response (“POPR”). Petitioner’s brief is due no later than COB on Tuesday, June 14 . Patent Owner may file a responsive Sur-reply having the same page limits and due no later than COB on Wednesday, June 22. No new evidenced is authorized.

Regards,

Esther Goldschlager  
Supervisory Paralegal Specialist  
Patent Trial & Appeal Board  
U.S. Patent & Trademark Office

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**From:** Cipriano, Linnea P <LCipriano@goodwinlaw.com>  
**Sent:** Tuesday, June 6, 2023 2:35 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** DG-Fusion-IPR <DG-Fusion-IPR@goodwinlaw.com>; Hasan, Art <ahasan@lewisroca.com>; Schneider, Lauren E. <LSchneider@lewisroca.com>; LR IP Docketing <pto@lewisroca.com>  
**Subject:** IPR2023-00551 Fusion Pharm. v. Universitat Heidelberg

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Dear Honorable Board,

I am lead counsel for Petitioner in the above-referenced proceeding. Petitioner respectfully requests leave to file a 7-page reply to Patent Owner’s Preliminary Response to respond to the arguments raised by Patent Owner related to discretionary denial. Petitioner has good cause to seek a reply at least because Petitioner could not have anticipated Patent Owner’s arguments and a reply would clarify the record regarding issues that are potentially dispositive to institution. For example, while the Petition preemptively addressed aspects of Patent Owner’s arguments based on § 325(d), Petitioner could not have anticipated Patent Owner’s oversimplification of the comparison between

the double patenting arguments made during prosecution and the arguments presented in the petition, and further briefing on these issues would clarify the record for the Board's consideration. Petitioner can provide further explanation of the good cause for filing a reply if it would be helpful to the Board.

Petitioner conferred with Patent Owner, and Patent Owner has indicated that it opposes this request. If the Board grants this request, Petitioner proposes that Petitioner will file its reply within 5 business days after the Board's authorization. Petitioner would not oppose Patent Owner's submission of an equivalent, 7-page sur-reply limited to issues raised in Petitioner's Reply, due 5 business days after the filing of Petitioner's reply. Petitioner respectfully submits that no new evidence should be submitted with either reply or sur-reply.

If it would be helpful to the Board, counsel for the parties are available for a teleconference during the following times:

Thursday (6/8) 2pm-4pm

Friday (6/9) 2pm-5pm

Wednesday (6/14) 11am-5pm

Thursday (6/15) 11am-2pm

Regards,

**Linnea P. Cipriano**

*she/her/hers*



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