

From: [Trials](#)
To: [Brian Barnes](#); [Trials](#)
Cc: [Carol Pitzel Cruz](#); [Andrea Cheek](#); [Steindler, Tom](#); [Bruno, Chris](#); [PadagisIPR482](#); [MWE-Arazlo482IPR@mwe.com](#); [ibrooks@mwe.com](#); [Weisbruch, April](#)
Subject: RE: Padagis Israel Pharmaceuticals Limited v. Bausch Health US, LLC, Case No. IPR2023-01114 - Request for Conference Call
Date: Tuesday, November 28, 2023 1:10:25 PM

Counsel,

From the Board –

Petitioner is authorized to file the requested Reply, which is limited to 2 pages and due by December 5, 2023.

Regards,

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

From: Brian Barnes <Brian.Barnes@knobbe.com>
Sent: Monday, November 27, 2023 5:03 PM
To: Trials <Trials@USPTO.GOV>
Cc: Carol Pitzel Cruz <Carol.Pitzel.Cruz@knobbe.com>; Andrea Cheek <Andrea.Cheek@knobbe.com>; Steindler, Tom <tsteindler@mwe.com>; Bruno, Chris <Cbruno@mwe.com>; PadagisIPR482 <PadagisIPR482@knobbe.com>; MWE-Arazlo482IPR@mwe.com <MWE-Arazlo482IPRmwe.com@mwe.com>; ibrooks@mwe.com; Weisbruch, April <Aweisbruch@mwe.com>
Subject: RE: Padagis Israel Pharmaceuticals Limited v. Bausch Health US, LLC, Case No. IPR2023-01114 - Request for Conference Call

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Dear PTAB Trials,

Petitioner clarifies that its requested Reply to the Patent Owner Preliminary Response would respond to Patent Owner's arguments regarding 35 U.S.C. § 314(a), and specifically will address Patent Owner's arguments regarding the expected trial date in parallel district court litigation involving the challenged '482 patent set out on pages 30 and 53-54 of Patent Owner's Preliminary Response filed on October 24, 2023.

Patent Owner does not oppose Petitioners' request, and the parties have agreed that Petitioner will provide Patent Owner with a copy of the 2-page Reply prior to filing.

IPR2023-01114
Ex. 3001

Best regards,
Brian Barnes

Brian Barnes

Associate

Brian.Barnes@knobbe.com

949-721-7643 Direct

Knobbe Martens

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From: Trials <Trials@USPTO.GOV>

Sent: Monday, November 27, 2023 12:21 PM

To: Brian Barnes <Brian.Barnes@knobbe.com>; Trials <Trials@USPTO.GOV>

Cc: Carol Pitzel Cruz <Carol.Pitzel.Cruz@knobbe.com>; Andrea Cheek <Andrea.Cheek@knobbe.com>; Steindler, Tom <tsteindler@mwe.com>; Bruno, Chris <Cbruno@mwe.com>; PadagisIPR482 <PadagisIPR482@knobbe.com>; MWE-Arazlo482IPR@mwe.com <MWE-Arazlo482IPRmwe.com@mwe.com>; ibrooks@mwe.com; Weisbruch, April <Aweisbruch@mwe.com>

Subject: RE: Padagis Israel Pharmaceuticals Limited v. Bausch Health US, LLC, Case No. IPR2023-01114 - Request for Conference Call

Counsel,

From the Board –

The parties' request in the first paragraph of their joint email below is granted. To that end, Patent Owner is hereby authorized to file a corrected version of its Preliminary Response, as described below. The corrected version of the Preliminary Response should be filed by December 1, 2023. All future papers should be captioned as indicated. To the extent the parties' agreement affects any information in the current versions of their mandatory notices, those notices should be updated accordingly.

Petitioner's request to file a Reply to the Preliminary Response is *not* authorized at this time because the email below does not sufficiently identify the arguments to which Petitioner seeks to reply. In particular, the reference to 35 U.S.C. § 114(a) is presumably incorrect. Petitioner should clarify its request by identifying with more specificity the arguments in the Preliminary Response (e.g., by section or page number) to which it seeks to reply.

Regards,

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

From: Brian Barnes <Brian.Barnes@knobbe.com>

Sent: Monday, November 27, 2023 1:42 PM

To: Trials <Trials@USPTO.GOV>

Cc: Carol Pitzel Cruz <Carol.Pitzel.Cruz@knobbe.com>; Andrea Cheek <Andrea.Cheek@knobbe.com>; Steindler, Tom <tsteindler@mwe.com>; Bruno, Chris <Cbruno@mwe.com>; PadagisIPR482 <PadagisIPR482@knobbe.com>; MWE-Arazlo482IPR@mwe.com <MWE-Arazlo482IPR@mwe.com>; ibrooks@mwe.com; Weisbruch, April <Aweisbruch@mwe.com>

Subject: Padagis Israel Pharmaceuticals Limited v. Bausch Health US, LLC, Case No. IPR2023-01114 - Request for Conference Call

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Dear PTAB Trials,

We write jointly on behalf of Petitioners and Patent Owner to request authorization to proceed on the basis of certain agreements the parties have reached regarding IPR2023-01114. Specifically, the parties have met and conferred to resolve some of the disputes in the proceeding, and to that end, have agreed: (1) for purposes of this proceeding, Petitioner will not dispute that Bausch Health Ireland Limited is the Patent Owner; (2) the caption of IPR2023-01114 should be changed to “Padagis Israel Pharmaceuticals Limited, Padagis US LLC, and Padagis, LLC, Petitioners v. Bausch Health Ireland Limited, Patent Owner, IPR2023-01114”; (3) the Patent Owner will withdraw the arguments presented in Section VII of Patent Owner’s Preliminary Response and seeks leave to file a corrected Patent Owner’s Preliminary Response to remove those arguments regarding the ownership and assignment status of the ‘482 patent; and (4) none of the foregoing will affect the timeliness of the Petition, which Patent Owner agrees was timely filed. Patent Owner will provide a copy of the Revised Preliminary Response to Petitioners for review before filing, and Petitioners consent to the filing of a corrected Patent Owner’s Preliminary Response. The parties respectfully request authorization to proceed in IPR2023-01114 on the basis of the above agreements.

Petitioners also request authorization to file a 2-page Reply to the Patent Owner Preliminary Response filed October 24, 2023 in IPR2023-01114. The requested reply would respond to Patent Owner’s arguments regarding 35 U.S.C. § 114(a). Patent Owner does not oppose Petitioners’ request, and the parties have agreed that Petitioner will provide Patent Owner with a copy of the 2-page Reply prior to filing.

Counsel for Petitioners and Patent Owner are available for a conference call with the Board on Friday December 1, 2023 from 11:30-3:00pm EST if the Board deems such a call necessary.

We thank the Board for its time.

Best regards,
Brian Barnes

Brian Barnes

Associate

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