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Subject: IPR2024-00240 - Sur-Reply Word Limit
Date: Wednesday, February 19, 2025 4:08:57 PM

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Your Honors,

Patent Owner, The Johns Hopkins University, writes to request an increase to the word limit applicable to Patent Owner's Sur-Reply brief, due next Friday, February 28th. JHU specifically requests a 25-percent increase of the word limit from 5,600 words to 7,000 words, thereby matching the same 25-percent increases that the Board previously authorized for the Patent Owner's Response and the Petitioner's Reply. See Paper 51.

JHU respectfully submits that a 25-percent increase is warranted so that JHU may equitably respond to the range of issues and new evidence raised in Merck's extended Reply brief, including two new expert declarations totaling more than 130 pages and objective indicia arguments, with the same word limit that applied to the Reply. See Consolidated Trial Practice Guide (2019), p. 38 ("Sur-replies, if authorized, are subject to the same word or page limits as the reply, unless the Board orders otherwise."); 37 C.F.R. § 42.24(c) (setting same default word limits for petitioner's reply and patent owner's sur-reply).

The parties have conferred by email. Petitioner requested that its position be included in this email as follows:

Petitioner opposes Patent Owner's request. The Board already addressed Patent Owner's request for expanded word limits in Paper 51, whereby Patent Owner was granted 2100 more words than Petitioner between the Patent Owner's Response and Petitioner's Reply. The Patent Owner's Response proceeded to rely on six declarations of six different declarants, totaling more than 250 pages, which Petitioner addressed in the Petitioner's Reply in accordance with the word limit set by the Board in Paper 51. Patent Owner's requested additional words here would accord Patent Owner 3500 more words than Petitioner during the course of this proceeding, which Petitioner does not believe is warranted or appropriate.

Should the Board desire a conference call, the Parties can provide their mutual availability.

Respectfully submitted,
Nicholas Stephens

Ex. 3008
IPR2024-00240

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