From:	Robert Wolter
To:	Trials
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Subject:	IPR2024-00291; Patent Owner"s Request to file motion for leave to submit additional expert testimony
Date:	Friday, December 27, 2024 12:00:28 PM

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Dear Board,

Patent Owner requests permission to file a motion for leave to submit with its sur-reply, supplemental declarations of Patent Owner experts Dr. Cameron and Mr. Robert Ransom, which the Board may permit pursuant to 35 §42.25(b). See, *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1384 (Fed. Cir. 2023). More specifically, with its reply, Petitioner submitted the declaration of its expert, Dr. Ellison, that raises issues that were first raised in the cross-examination of Dr. Cameron and Mr. Robert Ransom (both experts for Patent Owner) and which are also now raised in Petitioner's Reply. Dr. Ellison's declaration and the Reply include mischaracterizations of the Patent Owner's expert testimony of Mr. Ransom with respect to a prior art reference (Ex. 1014) to the point of including annotations in a drawing that are not in the original prior art reference or considered by Mr. Ransom during his cross-examination. This reference was not cited in the Petition and Dr. Cameron will need to address Petitioner's expert declaration in that regard. In addition, Petitioner for the first time challenges the effective filing date and priority claim relative to the '535 Patent to introduce new prior art (including Ex. 1014). Dr. Cameron will need to address, this address raised for the first time by Petitioner. In addition, Petitioner and Dr. Ellison now raise the consideration of molecular weights of compounds relative to the teachings of the Strength reference (Ex. 1003) and coating disclosed in this reference. Accordingly, Dr. Cameron shall address this issue as well.

In addition, PO will be seeking leave to file license agreements to file under seal and referred to in the PO Response and Petitioner Reply, for consideration by the Board relative to secondary considerations raised by Patent Owner.

Best regards,

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