Williams, Tina

From: Trials
Subject: FW: IPR2024-01197: Patent Owner Request for Authorization for Motion to Strike

Thanks,

Tina

From: Trials <Trials@USPTO.GOV>
Sent: Friday, August 15, 2025 1:50 PM
To: Nate Luman <Nate.Luman@knobbe.com>; 2esf <2esf@knobbe.com>; 2Pjm <2Pjm@knobbe.com>; BoxFalkPharma <BoxFalkPharma@knobbe.com>; Christy Lea <Christy.Lea@knobbe.com>; Jonathan <jcousin@cooley.com>; Isha <iagarwal@cooley.com>; Melissa <meskola@cooley.com>; Jonathan <jdavies@cooley.com>; Sanya <ssukduang@cooley.com>; ssukduang@cooley.com
Cc: Trials <Trials@USPTO.GOV>
Subject: RE: IPR2024-01197: Patent Owner Request for Authorization for Motion to Strike

Counsel,

The Board authorizes Patent Owner to file a Motion to Strike (1) Exs. 1075-1082 and 1085 and (2) arguments relying on these exhibits in Petitioner's Reply and/or Parr Reply Declaration. Nevertheless, the Board emphasizes that, as explained in the Trial Practice Guide, striking even a portion of a party's brief is "an exceptional remedy that the Board expects will be granted rarely," and Patent Owner should clearly explain in its motion why it believes such exceptional remedy to be justified in this case.

If Patent Owner determines to file the authorized Motion to Strike after due consideration of the above, the motion shall be filed no later than August 29, 2025. In that case, the Board also authorizes Petitioner to file, no later than September 12, 2025, an opposition to the motion.

The motion and opposition are each limited to seven (7) pages and are strictly limited to identifying (1) the exhibits and/or arguments at issue in the motion and (2) reasons for striking or not striking such exhibits and/or arguments. No reply brief is authorized. At this time, the Board does not authorize any modifications of the rules regarding word counts or submission of declarations relating to Patent Owner's Sur-reply. The parties are at liberty to elect to argue the motion at oral argument, if they so desire.

Regards,

Tina Williams
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Sukduang, Sanya <ssukduang@cooley.com>
Sent: Monday, August 4, 2025 2:39 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2024-01197: Patent Owner Request for Authorization for Motion to Strike

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Dear Honorable Board,

Patent Owner respectfully requests authorization to file a motion to strike in IPR2024-01197 for what it contends are impermissible new arguments and evidence in Petitioner's Reply and Dr. Parr's Expert Declaration. Patent Owner emailed Petitioner on July 31 for its position on Patent Owner's request. Petitioner responded on August 1 and indicated to it would oppose Patent Owner's request. The parties' positions are laid out in further detail below.

Patent Owner's Request. Patent Owner respectfully requests authorization to file a motion to strike the following portions of Petitioner's Reply:

1. New asserted art not cited in the Petition, Exs. 1075-1082, and portions of Petitioner's Reply relying on these exhibits
2. Petitioner's new evidence and arguments relying on U.S. Patent No. 6,139,865 regarding taste-masking

Petitioner's Position. Petitioner opposes Patent Owner's request file a motion to strike.

The parties are available for a teleconference with the Board on Tuesday, August 12, 2025 between 1-3pm ET; Wednesday, August 13, 2025 between 2:30-5pm ET; and Thursday, August 14, 2025 between 2pm-5pm ET to discuss Patent Owner's request. Thank you.

Respectfully submitted,
Sanya Sukduang

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Pronouns: he, him, his

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