

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DR. FALK PHARMA GMBH,  
Petitioner,

v.

ELLODI PHARMACEUTICALS, L.P.,  
Patent Owner.

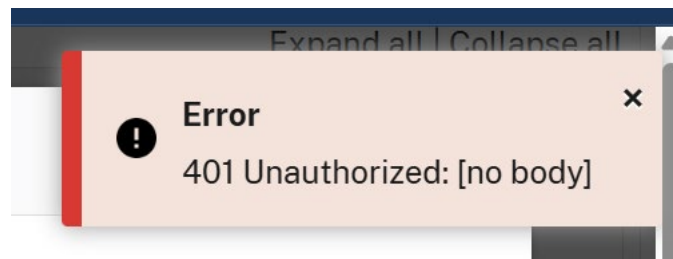
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Case No. IPR2024-01197  
Patent No. 8,771,729 B2

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**PATENT OWNER'S MOTION REQUESTING ACCEPTANCE OF  
SUBMISSION OF PATENT OWNER'S REQUEST FOR ADVERSE  
JUDGMENT AND MOTION TO TERMINATE FILED UNDER BOARD'S  
ALTERNATIVE MEANS**

Patent Owner Ellodi Pharmaceuticals, L.P. (“Patent Owner” or “Ellodi”) submits this Motion Requesting Acceptance of Submission of Patent Owner’s Request for Adverse Judgment and Motion to Terminate and Updated Exhibit List, including all accompanying exhibits (collectively “Patent Owner’s Motion”). The PTAB P-TACTS filing system was unavailable between 6:00 p.m. (ET) until 11:59 p.m. (ET) on October 23, 2025. A true and correct screenshot of an error message from the Patent Trial and Appeal Board website viewed by Patent Owner’s counsel while attempting to file the Patent Owner’s Motion is provided below:



On October 23, 2025, Patent Owner’s counsel attempted to file the Patent Owner’s Motion on behalf of Patent Owner using the PTAB P-TACTS system, but as indicated above, the P-TACTS system was unavailable. Accordingly, Patent Owner’s counsel proceeded according to the alternative filing procedure set forth on the PTAB website for “Filing documents during an outage” (<https://www.uspto.gov/patents/apply/filing-online/filing-documents-duringoutage>). In particular, Patent Owner completed email service of the Patent Owner’s Motion (including exhibits thereto) via email on Petitioner’s counsel on

October 23, 2025 (the date of transmission pursuant to 37 C.F.R. § 42.6(b)(2)(i)(B)). Thereafter, Patent Owner provided notice to the Board of the service via email. The following day, October 24, 2025, the PTAB P-TACTS filing system became operational again. Patent Owner used the P-TACTS filing system to electronically submit Patent Owner's Motion and accompanying papers.

The Board has accepted filings submitted under similar circumstances. *See, e.g., Arthrex, Inc. v. P Tech, LLC*, IPR2022-00786, Paper 13 (March 7, 2023); *Nitro Fluids, L.L.C. v. Cameron Int'l Corp.*, IPR2020-00691, Paper 11 (June 30, 2022); *Huawei Device Co., Ltd. v. Maxell, Ltd.*, IPR2018-00209, Paper 17 (Aug. 30, 2018); *Microsoft Corp. v. Smart Skins LLC*, IPR2016-00404, Paper 11 (Aug. 2, 2016).

Having followed the Board's alternative filing procedures, Patent Owner respectfully requests acceptance of its Patent Owner's Motion in this matter and that the Patent Owner's Motion be accorded the date on the certificate of service (i.e., October 23, 2025) as the filing date of the Patent Owner's Motion (including exhibits thereto), pursuant to 37 C.F.R. § 42.6(b)(2)(i) and the Board's alternative filing procedure.

Date: October 24, 2025

Respectfully submitted,

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BY: /Sanya Sukduang/  
Sanya Sukduang  
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Counsel for Patent Owner

**CERTIFICATION OF SERVICE  
UNDER 37 C.F.R. §§ 42.6(e), 42.105(a)**

I hereby certify, pursuant to 37 C.F.R. Sections 42.6, that a complete copy of the attached **PATENT OWNER'S MOTION REQUESTING ACCEPTANCE OF SUBMISSION OF PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT AND MOTION TO TERMINATE FILED UNDER BOARD'S ALTERNATIVE MEANS** is being served via electronic mail on the 24th day of October 2025, upon Petitioner's counsel as follows:

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DATED: October 24, 2025

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