

From: [Trials](#)
To: [Nate Luman](#); [Trials](#)
Cc: [Sukduang, Sanya](#); [Cousin, Jonathan](#); [Davies, Jonathan](#); [Agarwal, Isha](#); [z/Ellodi IPR](#); [BoxFalkPharma](#); [2esf](#); [2Pjm](#); [2Jcb](#)
Subject: RE: IPR2025-00052/54 - Petitioner's motion for additional discovery re Lee Report (Exhibit 2029)
Date: Thursday, November 20, 2025 11:40:40 AM
Attachments: [image001.png](#)

Counsel,

Regarding Petitioner's email to the Board on November 6, 2025, informing the Board as to circumstances surrounding certain evidence filed in these proceedings by Patent Owner, regarding which Petitioner formerly desired additional discovery and filed respective motions therefore, we agree that the respective Motions for Additional Discovery are moot and each is *dismissed*. Therefore, any oppositions to said motions are also moot and are similarly *dismissed*; no correction is needed. The Panel does not believe a conference call is necessary; however, should the parties desire a conference call they may request one. This email will be entered into the record as a Board exhibit in each proceeding.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Nate Luman <Nate.Luman@knobbe.com>
Sent: Thursday, November 6, 2025 8:40 PM
To: Trials <Trials@USPTO.GOV>
Cc: Sukduang, Sanya <ssukduang@cooley.com>; Cousin, Jonathan <jcousin@cooley.com>; Davies, Jonathan <jdavies@cooley.com>; Agarwal, Isha <iagarwal@cooley.com>; z/Ellodi_IPR <ellodi_ipr@cooley.com>; BoxFalkPharma <BoxFalkPharma@knobbe.com>; 2esf <2esf@knobbe.com>; 2Pjm <2Pjm@knobbe.com>; 2Jcb <2Jcb@knobbe.com>
Subject: IPR2025-00052/54 - Petitioner's motion for additional discovery re Lee Report (Exhibit 2029)

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Dr. Falk Pharma v. Ellodi Pharmaceuticals
IPR2025-00052 and -00054

Dear Members of the Board,

On November 5, 2025, Patent Owner informed Petitioner that Dr. Lee is deceased, having passed away in November of 2020. Patent Owner also informed Petitioner that it does not currently have in its possession any laboratory notebooks, reports, notes, protocols, or other results relating to any disintegration testing conducted by Dr. Lee, but Patent Owner does not know if such materials previously existed. Patent Owner stated that it is presently searching for a video recording of Dr. Lee's testing, which it will produce if located.

The parties jointly agree that, based on Patent Owner's representations, Petitioner's motion for additional discovery relating to the Lee report (Exhibit 2029) has become moot.

It is Petitioner's position that Patent Owner should have conducted a reasonable search for information and documents related to the Lee report when Petitioner requested discovery into the Lee report in September, as well as before it submitted the report in these proceedings. Any reasonable effort by Patent Owner to provide information responsive to Petitioner's discovery request would have uncovered that Dr. Lee passed in 2020. If the information had been timely provided by Patent Owner, it would have removed the need for the Board and Petitioner to spend time and resources on motion practice.

It is Patent Owner's position that Patent Owner undertook reasonable efforts to locate the information and discovery Petitioner sought, including numerous attempts to contact Dr. Lee and internet searching. Patent Owner only became aware of Dr. Lee's passing on Wednesday, November 5, at which point it promptly notified Petitioner of the new information.

Patent Owner also seeks authorization to correct a statement in its Opposition to Petitioner's Motion for Additional Discovery ("Opposition"). On pg. 2 of the Opposition, Patent Owner misstated that "Patent Owner did not retain or instruct Professor Lee to perform the test outlined in his report." Current counsel representing Patent Owner in these IPR proceedings did not retain or instruct Dr. Lee to perform any experiments, and therefore does not have materials concerning the report. German counsel for Patent Owner in 2019 retained Dr. Lee. Petitioner does not oppose Patent Owner correcting the misstatement in its Opposition.

The parties are available for a teleconference, if requested by the Board, on 11/12 and 11/14 from 12pm-5pm Eastern.

Sincerely,
Nate Luman
Counsel for Petitioner

Nathanael R. Luman, Ph.D.

Partner

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