

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. FALK PHARMA GMBH,
Petitioner,

v.

ELLODI PHARMACEUTICALS, L.P.,
Patent Owner.

IPR2025-00052, Patent 10,632,069 B2
IPR2025-00054, Patent 11,246,828 B2
IPR2025-00055, Patent 9,486,407 B2¹

Before ZHENYU YANG and RYAN H. FLAX, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding; Extending Word Limit for Reply and Sur-Reply
37 C.F.R. § 42.5(a)

¹ We use this caption for efficiency; these cases are not joined. The parties may not use such a caption without prior authorization from the Board.

IPR2025-00052, Patent 10,632,069 B2
IPR2025-00054, Patent 11,246,828 B2
IPR2025-00055, Patent 9,486,407 B2

In each of IPR2025-00052, IPR2025-00054, and IPR2025-00055, Ellodi Pharmaceuticals, L.P. (“Patent Owner”) is the owner of the respective challenged U.S. Patent, and Dr. Falk Pharma GMBH (“Petitioner”) filed a respective Petition for *inter partes* review challenging the patentability of claims of that patent. Each of these *inter partes* review proceedings was instituted on June 3, 2025. Per the common Scheduling Order for these proceedings, the due date for Petitioner’s reply briefing is approaching.

Petitioner emailed the Board on October 30, 2025, seeking a conference call with the Board to discuss authorization to extend the word limit of each respective reply brief and to file of a claim chart as an appendix to each reply. Petitioner indicated that the parties had met and conferred on the matter and no agreement was reached.

A conference call was held on November 3, 2025, between the parties and the panel in these proceedings. A transcript of the conference call will be entered into the record by Petitioner as an exhibit. The issues above were discussed.

Petitioner indicates that it seeks additional pages (1,000 words) for its replies to address the impact of Patent Owner’s disclaiming all claims (1–40) of the patent in also-related IPR2024-01197 and Patent Owner’s request for and the Board’s granting of adverse judgment in that proceeding (*see* Papers 36 and 41, and Ex. 2026, in that proceeding), as well as to address the events in certain related litigation matters. *See* 37 C.F.R. § 42.23(c) (setting word limits for replies/sur-replies). Petitioner also seeks to include with each reply an appendix including a chart comparing the claims of the patents in

IPR2025-00052, Patent 10,632,069 B2
IPR2025-00054, Patent 11,246,828 B2
IPR2025-00055, Patent 9,486,407 B2

these related *inter partes* review proceedings (this claim chart, however, is already of record as an exhibit to or part of a witness declaration).

Patent Owner opposes these requests, arguing that the issues noted above can be addressed in the standard reply. However, if authorization is granted to extend the reply word count, Patent Owner desires a similar extension for its respective sur-reply briefs.

Based on the parties' explanations of the circumstances, we find the records of these proceedings will be enhanced by the parties addressing the issues indicated for further briefing, which will aid the Board in rendering final decisions in these matters, and that good cause exists to extend the word count for each of Petitioner's Replies by 1,000 words and, similarly, extend the word count for Patent Owner's respective Sur-replies by 1,000 words.

ORDER

Accordingly, it is hereby:

ORDERED that, the word limits for each respective reply and sur-reply by Petitioner and Patent Owner in the above-captioned *inter partes* review proceedings is extended by 1,000 words to be 6,600 words; and

FURTHER ORDERED that, herein, no other relief is granted and no other modifications to the proceedings are made.

IPR2025-00052, Patent 10,632,069 B2
IPR2025-00054, Patent 11,246,828 B2
IPR2025-00055, Patent 9,486,407 B2

For PETITIONER:

Nathanael Luman
Eric S. Furman
Philip Minnick
KNOBBE, MARTENS, OLSON, & BEAR, LLP
2nrl@knobbe.com
2esf@knobbe.com
2pjm@knobbe.com

For PATENT OWNER:

Sanya Sukduang
Jonathan Cousin
COOLEY LLP
ssukduang@cooley.com
jcousin@cooley.com