

From: [Trials](#)
To: [Nate Luman](#); [Trials](#)
Cc: [Ellodi_IPR@cooley.com](#); [Sukduang, Sanya](#); [Cousin, Jonathan](#); [Davies, Jonathan](#); [Agarwal, Isha](#); [BoxFalkPharma](#); [2esf](#); [2Jcb](#)
Subject: RE: IPR2025-00056 - request to file reply to preliminary response
Date: Wednesday, April 9, 2025 11:49:54 AM

Counsel,

In response to Petitioner's email of April 8, 2025, requesting authorization to file a 7-page (preliminary) Reply to Patent Owner's Preliminary Response to address the issues of (1) discretionary denial under 35 U.S.C. § 325(d), and (2) claim construction concerning "adsorbed onto a pharmaceutically acceptable carrier," the Reply is authorized. We also authorize a 7-page (preliminary) Sur-reply for Patent Owner to respond to Petitioner's Reply. The authorized Reply is due to be filed by April 23, 2025. The Sur-reply shall be due to be filed within 2 weeks of the Reply, and no later than May 7, 2025.

We find such additional briefing will benefit the Board in rendering its decision on institution. Patent Owner's preliminary response was filed on March 12, 2025, which is prior to the implementation of the Acting Director's new policy concerning discretionary denial. In this proceeding, the Panel will consider the parties' discretionary denial arguments. No conference call is required. The Board appreciates that the parties met and conferred on the matter prior to seeking relief. If the parties have any questions regarding this order, they may contact the Board.

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: Tuesday, April 8, 2025 3:46 PM
To: Trials <Trials@USPTO.GOV>
Cc: Ellodi_IPR@cooley.com; Sukduang, Sanya <ssukduang@cooley.com>; Cousin, Jonathan <jcousin@cooley.com>; Davies, Jonathan <jdavies@cooley.com>; Agarwal, Isha <iagarwal@cooley.com>; BoxFalkPharma <BoxFalkPharma@knobbe.com>; 2esf <2esf@knobbe.com>; 2Jcb <2Jcb@knobbe.com>
Subject: IPR2025-00056 - request to file reply to preliminary response

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before

responding, clicking on links, or opening attachments.

IPR2025-00056

U.S. Patent No. 11,260,061

Dr. Falk Pharma v. Ellodi Pharmaceuticals

Dear Members of the Board,

Pursuant to 37 C.F.R. §§ 42.108(c) and 42.23, Petitioner requests leave to file a reply to Patent Owner's Preliminary Response limited to seven pages in the above-referenced proceeding to address:

- Patent Owner's arguments regarding discretionary denial under 35 U.S.C. § 325(d) and *Advanced Bionics*; and
- Patent Owner's arguments regarding the construction of the term "adsorbed onto a pharmaceutically acceptable carrier."

Petitioner submits that good cause exists for its requested briefing so that it can address Patent Owner's arguments regarding these topics and so the Board can benefit from hearing from both parties on the issues raised by Patent Owner in the Preliminary Response regarding these topics.

Petitioner would not oppose a sur-reply by Patent Owner of equal length. The parties have conferred. Patent Owner opposes Petitioner's request. The parties are available for a teleconference, if requested by the Board, on Friday 4/11, Monday 4/14, and Tuesday 4/15.

Best regards,
Nate Luman
Counsel for Petitioner

Nathanael R. Luman, Ph.D.

Partner

Nate.Luman@knobbe.com

858-707-4235 Direct

Knobbe Martens

3579 Valley Centre Drive, Suite 300

San Diego, CA 92130

www.knobbe.com/nate-luman

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.