

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO., LTD.,
Petitioner,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

IPR2025-00176
Patent 11,084,865 B2

Before SUSAN L. C. MITCHELL, MICHAEL A. VALEK, and JAMIE T. WISZ,
Administrative Patent Judges.

VALEK, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
Granting Request for Additional Briefing
37 C.F.R. § 42.5

Samsung Bioepis Co., Ltd. (“Petitioner”) requests leave to file a 10-page reply to Patent Owner’s Preliminary Response pursuant to respond to “(1) [Patent Owner’s] argument that the status and issues in prior district court and Federal Circuit proceedings weigh against institution under *Fintiv* and (2) [Patent Owner’s] characterization of Petitioner’s invalidity positions in view of those proceedings.” Ex. 3001, 1. Petitioner contends there is good cause for the request because it seeks to respond to Patent Owner’s arguments regarding the related proceedings, “including developments since the filing of [the] petition to which [Petitioner] has not had the opportunity to respond” and to address “previously confidential exhibits” filed by Patent Owner that Petitioner “could not address in its petition.” *Id.* Petitioner represents that Patent Owner does not oppose its request, provided that we allow an equal length sur-reply. *Id.*

We agree there is good cause for the requested briefing and authorize it as set forth below. In addressing these issues, the parties should also consider the recent guidance in Chief Judge Boalick’s Memorandum dated March 24, 2025, and titled “Guidance on USPTO’s rescission of ‘Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation.’”¹ We do not find that a call with the parties is necessary at this time.

ORDER

Accordingly, it is

ORDERED that Petitioner’s request for authorization to file a reply brief of no more than ten pages and limited to the issues set forth above is *granted*;

¹ Available at https://www.uspto.gov/sites/default/files/documents/guidance_memo_on_interim_procedure_rescission_20250324.pdf

FURTHER ORDERED that the Patent Owner is authorized to file a sur-reply of no more than ten pages to respond to Petitioner's reply;

FURTHER ORDERED that Petitioner's reply is due no later than April 23, 2025; and

FURTHER ORDERED that Patent Owner's sur-reply is due no later than May 7, 2025.

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