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**Subject:** IPR2025-00233 Formycon AG v. Regeneron Pharmaceuticals, Inc.--Request for preliminary reply  
**Date:** Friday, April 11, 2025 12:46:11 PM

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Honorable Board,

Petitioner respectfully requests a preliminary reply in IPR2025-00233 to Patent Owner's Preliminary Response to address discretionary denial. Petitioner proposes a length of 10 pages. Petitioner does not oppose a preliminary sur-reply by Patent Owner of equal length limited to addressing Petitioner's preliminary reply.

Good cause exists for Petitioner to file a preliminary reply. The Vidal 2022 memo was in effect at the time of the Petition, but the Acting Director has since rescinded the memo. Petitioner offered a *Sotera* stipulation, and in reliance on the memo's prohibition on discretionary denial under a *Sotera* stipulation, did not address the *Fintiv* factors in the Petition. Additional briefing on discretionary denial is warranted due to this substantive and unforeseen change in Board practice.

Petitioner met and conferred with Patent Owner, and Patent Owner indicated that it does not oppose Formycon's request to file a reply provided that Regeneron is authorized to file a sur-reply of equal length. Regeneron further states that it disputes Formycon's characterizations above and will respond as appropriate in its sur-reply in the event leave is granted.

The parties propose that, if leave is granted, Petitioner's reply brief would be no later than April 23, 2025, and Patent Owner's sur-reply would be due no later than May 7, 2025.

If a conference call is necessary, the parties are available on Monday and Tuesday, April 14-15, at the Board's convenience.

Very respectfully,  
Kristi Sawert

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