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To: [Trials](#)
Cc: [LNH IPRs](#); [Levine, Howard](#); [Swan, Jennifer](#); [Feigenbaum, David](#); [VanHoutan, Tyler T.](#)
Subject: IPR2025-00248 & -00249 - Request to File Motion for Additional Discovery
Date: Wednesday, August 20, 2025 3:38:49 PM

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Dear Trials,

Patent Owner LifeNet Health (“LifeNet”) requests permission from the Board to file a motion for additional discovery under 37 C.F.R. § 42.51 in the above-captioned proceedings. Specifically, Patent Owner requests the following discovery:

Interrogatories

1. Identify, on a quarterly basis since January 1, 2019, the unit sales and total revenues for the Tapestry® Biointegrative Implant.
2. Identify, on a quarterly basis since January 1, 2019, the unit sales and total revenues for the Tapestry® RC Biointegrative Implant System.
3. Identify, on a quarterly basis since January 1, 2019, the unit sales and total revenues for the ActivBraid® Collagen Co-Braid.

Document Requests

1. Documents sufficient to show, on an annual basis since January 1, 2019, Petitioner’s relative market share of the U.S. market for implants for tendon or ligament repair based on sales of the Tapestry® Biointegrative Implant or the Tapestry® RC Biointegrative Implant System.
2. Documents sufficient to show, on an annual basis since January 1, 2019, Petitioner’s relative market share of the U.S. market for sutures based on sales of the ActivBraid® Collagen Co-Braid.
3. Documents relating to why healthcare providers in the United States purchase the Tapestry® Biointegrative Implant or the Tapestry® RC Biointegrative Implant System.
4. Documents relating to why healthcare providers in the United States purchase the ActivBraid® Collagen Co-Braid.

Patent Owner’s requested discovery concerns the commercial success of Petitioner’s Tapestry and ActivBraid products, which Patent Owner contends practice the claimed inventions of the ‘223 and ‘227 patents, respectively, and are an objective indicia of non-obviousness.

Patent Owner provided Petitioner with the proposed discovery requests, the parties have conferred, and Petitioner has indicated that it opposes Patent Owner’s request because the Patent Owner

cannot meet its burden of establishing why the additional discovery of commercial success is in the interest of justice in this case and cannot meet the *Garmin* factors.

Counsel for Petitioner indicated they are available for a call with the Board on the following dates & times:

- August 25: 1-2pm (ET)
- August 27: noon – 5pm (ET)

Patent Owner's counsel is available during the times provided by Petitioner. Patent Owner's counsel is also available for a call anytime August 21 and 22, and from 2-5pm (ET) on August 26.

Regards,

George B. Davis

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