

**From:** [Director Discretionary Decision](#)  
**To:** [Director Discretionary Decision](#); [Stein, Alexander B.](#)  
**Cc:** [Seikagaku-CR-IPR-PGR](#); [FLuo-PTAB](#); [PTAB Chelsea Loughran](#); [McKeown, Scott A.](#); [PTAB Scott McKeown](#)  
**Subject:** RE: IPR2025-00440: Motion to Compel Routine Discovery  
**Date:** Tuesday, July 8, 2025 9:25:00 AM

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Patent Owner's request to file a motion to compel discovery for discretionary considerations is denied. To the extent Patent Owner is seeking discovery that is needed for the merits and non-discretionary considerations, it may renew such a request with the Board panel.

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**From:** Stein, Alexander B. <[alexander.stein@morganlewis.com](mailto:alexander.stein@morganlewis.com)>  
**Sent:** Friday, June 27, 2025 11:51 AM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** Seikagaku-CR-IPR-PGR <[Seikagaku-CR-IPR-PGR@morganlewis.com](mailto:Seikagaku-CR-IPR-PGR@morganlewis.com)>; FLuo-PTAB <[FLuo-PTAB@WolfGreenfield.com](mailto:FLuo-PTAB@WolfGreenfield.com)>; PTAB Chelsea Loughran <[CLoughran-PTAB@WolfGreenfield.com](mailto:CLoughran-PTAB@WolfGreenfield.com)>; McKeown, Scott A. <[Scott.McKeown@WolfGreenfield.com](mailto:Scott.McKeown@WolfGreenfield.com)>; PTAB Scott McKeown <[SMcKeown-PTAB@WolfGreenfield.com](mailto:SMcKeown-PTAB@WolfGreenfield.com)>  
**Subject:** IPR2025-00440: Motion to Compel Routine Discovery

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Honorable Board,

I am writing on behalf of the Patent Owner in IPR2025-00440 to request authorization to file a motion to compel routine discovery. The Petitioner in this proceeding has advanced positions that directly contradict positions advanced during EPO Opposition proceedings. Paper 6, 23-25. There is ample evidence that Petitioner was behind those oppositions (*id.*, 25-32) and is now not only hiding that information from the Board and the Patent Owner but is disingenuously pointing the finger at “[a]ny member of the public” and simultaneously complimenting “the sound arguments of the Opponent” (Paper 8, n.3), instead of complying with its routine-discovery obligations.

A motion to compel Petitioner's compliance with its routine-discovery obligations—including confirmation that it initiated the EPO Opposition proceedings and service of all information revealing its inconsistent positions—is respectfully requested. See, e.g., IPR2023-01061, Paper 27 at 3-7 (granting motion to compel routine discovery).

Petitioner's counsel was consulted about this request and indicated that it opposes.

The parties are available for a conference call to discuss this request at the following times:

- Tuesday, July 1 : 1:00 PM - 3:00 PM (EDT); and
- Wednesday, July 2<sup>nd</sup>: 1:00 - 3:00 PM (EDT).

Respectfully submitted,

Alexander B. Stein, Reg. No. 71,397  
Counsel for Patent Owner

**Alexander B. Stein**

**Morgan, Lewis & Bockius LLP**

1301 Second Avenue, Suite 3000 | Seattle, WA 98101

Direct: +1.206.274.6437 | Main: +1.206.274.6400 | Fax: +1.206.274.6401

Assistant: Emily Fortier | +1.206.274.6372 | [emily.fortier@morganlewis.com](mailto:emily.fortier@morganlewis.com)

1400 Page Mill Road | Palo Alto, CA 94304-1124

Direct: | Main: +1.650.843.4000 | Fax: +1.650.843.4001

[alexander.stein@morganlewis.com](mailto:alexander.stein@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)



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