

**From:** [Trials](#)  
**To:** [Seikagaku-CR-IPR-PGR](#); [FLuo-PTAB](#); [PTAB Chelsea Loughran](#); [Scott A.](#); [PTAB Scott McKeown](#); [alexander.stein@morganlewis.com](mailto:alexander.stein@morganlewis.com)  
**Cc:** [Trials](#)  
**Subject:** RE: IPR2025-00440: Motion to Compel Routine Discovery  
**Date:** Thursday, July 31, 2025 4:56:30 PM

---

Counsel,

The Board will have one call for both cases (PGR2025-00023 and IPR2025-00440) and at 11:30 AM ET tomorrow, August 1, 2025. The dial in number is [540-566-5633](#) and the passcode is [989003460#](#)

Regards,

Andrew Kellogg,  
Deputy Chief Clerk, Trials  
Patent Trial and Appeal Board  
USPTO  
[andrew.kellogg@uspto.gov](mailto:andrew.kellogg@uspto.gov)  
(571) 272-5366

---

**From:** Stein, Alexander B. <[alexander.stein@morganlewis.com](mailto:alexander.stein@morganlewis.com)>  
**Sent:** Thursday, July 31, 2025 11:22 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:** RE: IPR2025-00440: Motion to Compel Routine Discovery

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Honorable Board,

The parties are available for a conference call on Friday (8/1) from 9:00 - 9:30 AM, 11:00 - 11:30 AM, or 11:30 AM – 12:00 PM (all times eastern).

Respectfully submitted,

Alex Stein, Reg. No. 71,397  
Counsel for Patent Owner

**Alexander B. Stein**  
**Morgan, Lewis & Bockius LLP**

Ex. 3002  
IPR2025-00440  
PGR2025-00023

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)



---

**From:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Sent:** Tuesday, July 29, 2025 1:24 PM

**To:** Stein, Alexander B. <[alexander.stein@morganlewis.com](mailto:alexander.stein@morganlewis.com)>; 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)>

**Cc:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Subject:** RE: IPR2025-00440: Motion to Compel Routine Discovery

[EXTERNAL EMAIL]

Counsel,

The Board would like to have a conference call with the parties regarding Patent Owner's request below. Please propose three times on Wednesday, Thursday, or Friday of this week when the parties will be available for the call. Please be prepared to discuss the parties' positions on (1) whether Patent Owner's request should be decided before the decision on institution, and (2) the scope of discovery Patent Owner seeks and whether/why it is routine discovery.

Regards,

Tina Williams  
Supervisory Paralegal Specialist  
Patent Trial and Appeal Board

---

**From:** Stein, Alexander B. <[alexander.stein@morganlewis.com](mailto:alexander.stein@morganlewis.com)>

**Sent:** Friday, July 18, 2025 7:18 PM

**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:** RE: IPR2025-00440: Motion to Compel Routine Discovery

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

---

Honorable Board,

Patent Owner respectfully renews its request below for a motion to compel routine discovery.  
Petitioner's counsel was contacted about this renewed request, but no agreement could be reached.

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)



---

**From:** Director\_Discretionary\_Decision <[Director\\_Discretionary\\_Decision@uspto.gov](mailto:Director_Discretionary_Decision@uspto.gov)>  
**Sent:** Tuesday, July 8, 2025 6:25 AM  
**To:** Director\_Discretionary\_Decision <[Director\\_Discretionary\\_Decision@uspto.gov](mailto:Director_Discretionary_Decision@uspto.gov)>; Stein, Alexander B. <[alexander.stein@morganlewis.com](mailto:alexander.stein@morganlewis.com)>  
**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:** RE: IPR2025-00440: Motion to Compel Routine Discovery

[EXTERNAL EMAIL]

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.

---

**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)>

[PTAB@WolfGreenfield.com](mailto:PTAB@WolfGreenfield.com)>

**Subject:** IPR2025-00440: Motion to Compel Routine Discovery

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

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<sup>st</sup>: 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)

**GLOBAL IMPACT OF THE  
US ADMINISTRATION**  
Visit our resource center ➤

CONFIDENTIALITY AND PRIVACY NOTICE: This email is from a law firm and may contain information that is confidential, privileged, and/or attorney work product. This email may also contain personal data, which we process in accordance with applicable data protection laws and our [Privacy Policies and Notices](#). If you are not the intended recipient, you may not review, copy, or distribute this message. If you have received this email in error, please contact the sender immediately and delete all copies from your system.