

From: [McKeown, Scott A.](#)
To: [Stein, Alexander B.](#); [Trials](#)
Cc: [Seikagaku-CR-IPR-PGR](#); [FLuo-PTAB](#); [PTAB Chelsea Loughran](#); [PTAB Scott McKeown](#); [Betti, Ph.D., Christopher J.](#)
Subject: RE: PGR2025-00023; IPR2025-00440
Date: Friday, December 19, 2025 6:56:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)

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Honorable Board,

Patent Owner was informed earlier today that an email would be sent alerting the panel to the now mooted motion. Patent Owner confirmed reception of that message without further comment; the email to the Trials mailbox was only sent thereafter.

The anonymity in the European opposition proceeding is being dropped for reasons unrelated to this matter. In advance of that development even occurring in Europe, Petitioner informed Patent Owner immediately to ensure that the Board need not extend further effort on the outstanding Motion decision during this busy season. Patent Owner's belated, and entirely unnecessary email seeking to weaponize these courtesies to its benefit is not well received.

Scott McKeown
Counsel for Petitioner

From: Stein, Alexander B. <alexander.stein@morganlewis.com>
Sent: Friday, December 19, 2025 5:35 PM
To: McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>; Trials <trials@uspto.gov>
Cc: Seikagaku-CR-IPR-PGR <Seikagaku-CR-IPR-PGR@morganlewis.com>; FLuo-PTAB <FLuo-PTAB@WolfGreenfield.com>; PTAB Chelsea Loughran <CLoughran-PTAB@WolfGreenfield.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; Betti, Ph.D., Christopher J. <christopher.betti@morganlewis.com>
Subject: RE: PGR2025-00023; IPR2025-00440

Honorable Board,

Patent Owner was notified of Petitioner's drastic change in position only today. With such short notice, the parties did not discuss a joint communication to the Board so Patent Owner feels it necessary to respond. Petitioner's email omits mention of its comeuppance and fails to account for the needless time and resources both Patent Owner and the Board expended addressing this issue. While Petitioner argues that the discovery motion "is now moot as the Petitioner has provided the requested discovery to Patent Owner," it conspicuously fails to inform the Board that the discovery it finally provided was confirmation that Petitioner is the party behind the

European Opposition proceeding that, in Patent Owner's view, contradicts positions taken by Petitioner in each of PGR2025-00023 and IPR2025-0040. See, e.g., IPR2025-00440, Paper 26 at. 29-31; PGR2025-00023, Paper 26 at 80-90. That issue remains relevant to these proceedings and is not moot.

Throughout these proceedings, Petitioner steadfastly refused to provide this simple confirmation, forcing Patent Owner to expend time and resources filing two separate discovery motions (in each proceeding) and forcing the Board to expend its time and resources addressing at least the first motion. Petitioner represented that it "cannot comply" with the narrowly tailored discovery request, yet it has now unilaterally offered what it previously called "extraordinary relief" creating a "resulting privilege waiver." Paper 13 at 6, 7. Moreover, as Patent Owner filed its Patent Owner's response on December 1st, Patent Owner was forced to expend even more resources and time further briefing its belief that Petitioner was the party behind the European Opposition and was unfairly prejudiced by Petitioner's refusal to provide this confirmation until after Patent Owner filed its substantive papers.

Patent Owner reserves all rights to address this new admission by Petitioner.

Respectfully submitted,

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

Alexander B. Stein

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From: McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>

Sent: Friday, December 19, 2025 11:44 AM

To: Trials <trials@uspto.gov>

Cc: Seikagaku-CR-IPR-PGR <Seikagaku-CR-IPR-PGR@morganlewis.com>; FLuo-PTAB <FLuo-PTAB@WolfGreenfield.com>; PTAB Chelsea Loughran <CLoughran-PTAB@WolfGreenfield.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; Betti, Ph.D., Christopher J. <christopher.betti@morganlewis.com>

Subject: PGR2025-00023; IPR2025-00440

[EXTERNAL EMAIL]

Honorable Board,

On November 13, 2025, Patent Owner's unopposed request to pursue a Motion for Additional Discovery was granted (Paper 22). The parties write to inform the panel that the motion dispute, which remains pending before the panel, is now moot as the Petitioner has provided the requested discovery to Patent Owner.



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