

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CSPC MEGALITH BIOPHARMACEUTICAL CO. LTD.,

Petitioner,

v.

LEPU BIOPHARMA CO. LTD.,

Patent Owner

IPR2025-00685

Patent No. 10,792,370 B2

Before Jeffrey N. Fredman, Tawen Chang, and Ryan
H. Flax, Administrative Patent Judges

Conference Call with PTAB

Conducted Remotely

Monday, July 6, 2026

3:05 p.m.

Pages: 1-15

Reported by: Matthew Goldstein, RMR, CRR

1 A P P E A R A N C E S

2 ON BEHALF OF THE PETITIONER:

3 HOWARD SUH, ESQUIRE

4 FOX ROTHSCHILD, LLP

5 101 Park Avenue

6 17th Floor

7 New York, New York 10178

8 212.878.7914

9 hsuh@foxrothschild.com

10

11 and

12

13 JOE CHEN, PH.D., ESQUIRE

14 FOX ROTHSCHILD, LLP

15 212 Carnegie Center

16 Suite 400

17 Princeton, New Jersey 08540

18 609.844.3024

19 joechen@foxrothschild.com

20

21

22

1 A P P E A R A N C E S C O N T I N U E D

2

3 ON BEHALF OF THE PATENT OWNER:

4 CHRISTOPHER PONDER, ESQUIRE

5 FANGZHOU QIU, ESQUIRE

6 ALEX NIE, ESQUIRE

7 SHEPPARD MULLIN RICHTER & HAMPTON, LLP

8 1540 El Camino Real

9 Suite 120

10 Menlo Park, California 94025

11 650.815.2676

12 cponder@sheppard.com

13 fqiu@sheppard.com

14 anie@sheppard.com

15

16

17

18

19

20

21

22

1 JUDGE FLAX: Good afternoon, everybody.

2 This is Judge Flax, can you hear me?

3 MR. SUH: Yes, we can, Your Honor.

4 JUDGE FLAX: All right. I need you to
5 bear with me for one minute because there's
6 apparently some sort of weird scheduling issue
7 with this conference call and the judges wound up
8 getting a different link than you all got. So I'm
9 going to grab one of my other judges. If you can
10 hold tight for a second. Okay?

11 MR. PONDER: No problem, Your Honor.

12 JUDGE FLAX: Judge Flax's back. We got
13 Judge Fredman here also. I think I just heard
14 someone mention that there is a court reporter
15 present, is that correct?

16 MR. PONDER: Yes, Your Honor.

17 JUDGE FLAX: Great.

18 So if you would, when all is said and
19 done at the end of this meeting, could you please
20 supply a copy of the transcript to the board in
21 this case, you can file it as an exhibit.

22 MR. PONDER: Yes, Your Honor, patent

1 owner will file the transcript.

2 JUDGE FLAX: Okay. Thank you.

3 All right. So let's get going here.

4 MR. SUH: Excuse me, Judge Flax, would
5 you like to have appearances done for the court
6 reporter's convenience?

7 JUDGE FLAX: Sure. Go ahead. Thanks.
8 Good idea.

9 MR. SUH: Yeah, so this is Howard Suh
10 and Joe Chen from the law firm of Fox Rothschild
11 and we represent petitioner.

12 MR. PONDER: And this is Chris Ponder
13 and with me is Fred Qiu and Alex Nie. We are
14 counsel for the patent owner.

15 JUDGE FLAX: Okay. All right. Thank
16 you, Mr. Suh.

17 So this is an interesting circumstance
18 we're finding ourselves in today, one that I've
19 never experienced before.

20 So, Counsel Qiu, you have been denied
21 access to the office for -- at least for the
22 purposes of our final hearing; correct?

1 MR. QIU: Yes, that's correct, Your
2 Honor.

3 JUDGE FLAX: Okay. And what I
4 understand is that you all have been in
5 communication over this issue and you have been
6 certifying that the petitioner has no objections
7 to you arguing remotely via video; is that
8 correct?

9 MR. SUH: Well, Your Honor, this is
10 petitioner. We did indicate to patent owner that
11 we did not object to Mr. Qiu arguing remotely.
12 However, we did maintain the fact that this should
13 not prevent petitioner, in particular me or my
14 colleague, Dr. Chen, to argue live for an actual
15 live hearing. We made that very clear in our
16 communications.

17 However, it appears that based upon the
18 last communication by Mr. Ponder on Friday, which
19 we believe was unauthorized and denied in any
20 event, I think now patent owner is now taking the
21 position that, well, not only do they want Mr. Qiu
22 to argue remotely, they don't want us to argue

1 live. So that we will object to.

2 MR. PONDER: Your Honor, this is Chris
3 Ponder for patent owner. We never said that
4 Mr. Suh or anyone else needs to appear remotely.
5 I'm not sure where he's getting that from, but
6 let's be clear --

7 MR. SUH: Well, I can --

8 MR. PONDER: -- Mr. Qiu -- we're asking
9 Mr. Qiu to appear remotely.

10 JUDGE FLAX: Okay.

11 MR. PONDER: That's the request.

12 MR. SUH: Well, I can tell you exactly,
13 Mr. Ponder, where you made it. It's in your
14 e-mail.

15 JUDGE FLAX: Well, Mr. Suh, let's accept
16 that right now they don't want that anymore. So
17 maybe head off an argument that doesn't need to be
18 made; right?

19 MR. SUH: Right.

20 JUDGE FLAX: Okay. So, Mr. Qiu, I'm
21 sorry for mispronouncing it before, are you
22 planning to be the only counsel arguing in any way

1 for patent owner at the hearing?

2 MR. QIU: Yes, Your Honor, that was our
3 plan.

4 JUDGE FLAX: And are you the only -- why
5 is it that you're the only of the three counsel on
6 record for patent owner that is capable of making
7 the final argument for patent owner?

8 MR. PONDER: Your Honor, this is Chris
9 Ponder. So Mr. Qiu -- I mean, we've handled
10 numbers of IPRs in many different cases. And
11 usually in the proceeding you decide who is going
12 to take the primary role. And Mr. Qiu has taken
13 the primary role here. He has taken all the
14 depositions. He's defended the depositions. He
15 was the primary drafter of both the patent owner
16 preliminary response, the patent owner response,
17 as well as the surreply. He's definitely the
18 choice of the client to have argue this IPR. And
19 we did not have any indication that Mr. Qiu would
20 have any issues with being able to present.

21 So like you, we were kind of surprised
22 by the denial of entry into a public hearing where

1 the entire record is open, the hearing is going to
2 be conducted in an open forum. So this is not
3 something we anticipated.

4 JUDGE FREDMAN: Can I ask -- this is
5 Judge Fredman -- when did you first submit the --
6 I understand, and maybe I'm not entirely accurate,
7 but I think in January of this year is when the
8 requirement for federal buildings for people
9 who -- I'm not entirely sure what the requirement
10 is, but needed to request permission. When did
11 you become aware of that?

12 MR. PONDER: We became aware of it when
13 in the scheduling process you receive an e-mail
14 from one of the trial paralegals directing you to
15 submit for approval and we received that on
16 June 11th. Mr. Qiu submitted the information
17 about himself and the other counsel that we
18 intended to -- including our client person, on
19 June 15th. And then the denial was issued on
20 June 26th.

21 JUDGE FREDMAN: Thank you.

22 JUDGE FLAX: Okay. So with the

1 understanding that Mr. Qiu will not be in the
2 office, where will he be arguing from?

3 MR. PONDER: We are planning for him to
4 argue from either our California office or our
5 Washington, D.C., office. And patent owner's
6 other counsel will be in attendance at the hearing
7 live.

8 JUDGE FLAX: Sorry, explain that part
9 again, who will be there in person?

10 MR. PONDER: I will, as lead counsel,
11 because I understand even when someone was
12 authorized to be remotely, lead counsel is always
13 expected to attend the hearing. So the original
14 plan was I would attend in person, expecting
15 Mr. Qiu to argue, but since he is not permitted in
16 the building, we're not asking for everyone to be
17 remote, we're just saying we'd like Mr. Qiu to be
18 remote. And I will appear in person to meet the
19 board's requirement to have counsel present.

20 JUDGE FLAX: Okay. All right. So we've
21 dealt with petitioner's position on this and how
22 that's sorted out.

1 So, you know, just for the sake of
2 discussing it, you know, at this point, we don't
3 know which way this case is going to turn out,
4 but, you know, what is -- what's the patent
5 owner's position on if things ultimately don't go
6 your way, how does this factor into your
7 positions -- post-trial appeal positions?

8 MR. PONDER: Post-trial appeal we would
9 definitely appeal and seek vacation of the final
10 written decision on at least -- on the Fifth
11 Amendment as well as challenge the board's
12 decision under the APA finding denying Mr. Qiu
13 access to the building as well as not providing a
14 reasonable alternative as being arbitrary and
15 capricious under the Administrative Procedures
16 Act.

17 JUDGE FLAX: Meaning the alternative --
18 meaning that the remote -- the remote access and
19 argument not being an adequate alternative, is
20 that your position?

21 MR. PONDER: Yes, Your Honor.

22 JUDGE FLAX: Okay. All right. Well,

1 what an interesting situation we have here. So I
2 think I well understand everyone's positions on
3 this. Let me just recap to make sure that myself
4 and Judge Fredman understand where we're at.

5 At the hearing next week in person will
6 be everyone representing petitioner to argue in
7 person?

8 MR. SUH: Correct.

9 JUDGE FLAX: In the office for patent
10 owner will be at least you, Mr. Ponder,
11 potentially some of your clients in attendance,
12 and then remotely calling in and arguing will be
13 Mr. Qiu?

14 MR. PONDER: That's correct, except that
15 I believe our in-house counsel is going to attend
16 on the public access telephone line.

17 JUDGE FLAX: Okay. That's fine.

18 JUDGE FREDMAN: That's the request.
19 That's the request, right, that patent owner is
20 making. I don't know that we've decided it yet.

21 JUDGE FLAX: No, no, I'm just making
22 sure I understand what they want.

1 JUDGE FREDMAN: Yeah.

2 JUDGE FLAX: That's right. We haven't
3 granted anything yet.

4 Okay. All right. Well, if we -- if
5 what I've just said is accurate, and are there any
6 other facts that we need to know right now?

7 I mean, is there any further argument to
8 be made by you, Mr. Qiu, to whoever has made this
9 decision to reconsider it or is that all done?

10 MR. QIU: Yes, Your Honor.

11 Go ahead.

12 MR. PONDER: Yes, we understand that
13 there's no further remedy. We had asked if there
14 was additional information we could provide about
15 Mr. Qiu or provide some information about the
16 basis of the decision, but our understanding is
17 the office does not provide that.

18 JUDGE FLAX: Okay. All right. Well, I
19 think we're all in agreement that we understand
20 everyone's positions so let us further consider
21 this. And we'll be in touch with you as soon as
22 possible about whether we're going to split up the

1 hearing in the way that's been proposed.

2 If anything further pops up, please let
3 us know, but we'll get back to you as soon as we
4 possibly can.

5 And please do send us the transcript of
6 this conversation. Okay?

7 MR. SUH: Thank you, Your Honor.

8 MR. PONDER: Yes, Your Honor.

9 JUDGE FLAX: All right. Thank you
10 everybody.

11 (Off the record at 3:18 p.m.)

12

13

14

15

16

17

18

19

20

21

22

1 STATE OF MARYLAND)

2 SS:

3 COUNTY OF MONTGOMERY)

4

5 I, Matthew Goldstein, Notary Public
6 within and for the State of Maryland, do hereby
7 certify:

8

9 That I reported the proceedings in the
10 within entitled matter, and that the within
11 transcript is a true record of said proceedings.

12

13 I further certify that I am not related
14 to any of the parties to the action by blood or
15 marriage, and that I am in no way interested in
16 the outcome of this matter.

17

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 6th day of July, 2026.

20

21



22

Matthew Goldstein, RMR, CRR

	13:11	attend	capable 8:6
1	Alex 5:13	10:13, 14	capricious
11th 9:16	alternative	12:15	11:15
15th 9:19	11:14, 17, 19	attendance 10:6 12:11	case 4:21 11:3
2	Amendment	authorized	cases 8:10
26th 9:20	11:11	10:12	certifying
	anticipated	aware 9:11, 12	6:6
3	9:3		challenge
3:18 14:11	anymore 7:16	B	11:11
	APA 11:12		Chen 5:10
A	apparently	back 4:12	6:14
accept 7:15	4:6	14:3	choice 8:18
access 5:21	appeal 11:7, 8, 9	based 6:17	Chris 5:12
11:13, 18	appearances	basis 13:16	7:2 8:8
12:16	5:5	bear 4:5	circumstance
accurate 9:6	appears 6:17	board 4:20	5:17
13:5	approval	board's	clear 6:15
Act 11:16	9:15	10:19	7:6
actual 6:14	arbitrary	11:11	client 8:18
additional	11:14	building	9:18
13:14	argue 6:14, 22 8:18	10:16	clients
adequate	10:4, 15	11:13	12:11
11:19	12:6	buildings	colleague
Administrative	arguing 6:7, 11 7:22	9:8	6:14
11:15	10:2 12:12	C	communication
afternoon	argument		6:5, 18
4:1	7:17 8:7	California	communications
agreement	11:19 13:7	10:4	6:16
13:19		call 4:7	conducted
ahead 5:7		calling	9:2
		12:12	conference

4:7	6:19		13:1
convenience	denying	F	Friday 6:18
5:6	11:12	fact 6:12	
conversation	depositions	factor 11:6	G
14:6	8:14	facts 13:6	Good 4:1
copy 4:20	directing	federal 9:8	5:8
correct 4:15	9:14	file 4:21	grab 4:9
5:22 6:1,8	discussing	5:1	granted 13:3
12:8,14	11:2	final 5:22	Great 4:17
counsel	drafter 8:15	8:7 11:9	
5:14,20		finding 5:18	H
7:22 8:5	E	11:12	handled 8:9
9:17 10:6,	e-mail 7:14	fine 12:17	head 7:17
10,12,19	9:13	firm 5:10	hear 4:2
12:15	end 4:19	Flax 4:1,2,	heard 4:13
court 4:14	entire 9:1	4,12,17	hearing 5:22
5:5	entry 8:22	5:2,4,7,15	6:15 8:1,
D	event 6:20	6:3 7:10,	22 9:1
D.C. 10:5	everyone's	15,20 8:4	10:6,13
dealt 10:21	12:2 13:20	9:22 10:8,	12:5 14:1
decide 8:11	Excuse 5:4	20 11:17,	hold 4:10
decided	exhibit 4:21	22 12:9,	Honor 4:3,
12:20	expected	17,21	11,16,22
decision	10:13	13:2,18	6:2,9 7:2
11:10,12	expecting	14:9	8:2,8
13:9,16	10:14	Flax's 4:12	11:21
defended	experienced	forum 9:2	13:10
8:14	5:19	Fox 5:10	14:7,8
denial 8:22	explain 10:8	Fred 5:13	Howard 5:9
9:19		Fredman 4:13	
denied 5:20		9:4,5,21	
		12:4,18	

	22 10:8, 20	11:17, 18	
I	11:17, 22	meet 10:18	P
idea 5:8	12:4, 9, 17, 18, 21	meeting 4:19	p.m. 14:11
in-house 12:15	13:1, 2, 18 14:9	mention 4:14	paralegals 9:14
including 9:18	judges 4:7, 9	minute 4:5	part 10:8
indication 8:19	June 9:16, 19, 20	mispronouncing 7:21	patent 4:22 5:14 6:10, 20 7:3 8:1, 6, 7, 15, 16 10:5 11:4 12:9, 19
information 9:16 13:14, 15	K	N	
intended 9:18	kind 8:21	needed 9:10	
interesting 5:17 12:1	L	Nie 5:13	
IPR 8:18	law 5:10	numbers 8:10	people 9:8
IPRS 8:10	lead 10:10, 12	O	permission 9:10
issue 4:6 6:5	link 4:8	object 6:11 7:1	permitted 10:15
issued 9:19	live 6:14, 15 7:1 10:7	objections 6:6	person 9:18 10:9, 14, 18 12:5, 7
issues 8:20	M	office 5:21 10:2, 4, 5 12:9 13:17	petitioner 5:11 6:6, 10, 13 12:6
J	made 6:15 7:13, 18 13:8	open 9:1, 2	petitioner's 10:21
January 9:7	maintain 6:12	original 10:13	plan 8:3 10:14
Joe 5:10	make 12:3	owner 5:1, 14 6:10, 20 7:3 8:1, 6, 7, 15, 16 12:10, 19	planning 7:22 10:3
Judge 4:1, 2, 4, 12, 13, 17 5:2, 4, 7, 15 6:3 7:10, 15, 20 8:4 9:4, 5, 21,	making 8:6 12:20, 21	owner's 10:5 11:5	point 11:2
	meaning		Ponder 4:11, 16, 22 5:12

6:18 7:2, 3, 8, 11, 13 8:8, 9 9:12 10:3, 10 11:8, 21 12:10, 14 13:12 14:8 pops 14:2 position 6:21 10:21 11:5, 20 positions 11:7 12:2 13:20 possibly 14:4 post-trial 11:7, 8 potentially 12:11 preliminary 8:16 present 4:15 8:20 10:19 prevent 6:13 primary 8:12, 13, 15 problem 4:11 Procedures 11:15 proceeding 8:11 process 9:13	proposed 14:1 provide 13:14, 15, 17 providing 11:13 public 8:22 12:16 purposes 5:22 Q Qiu 5:13, 20 6:1, 11, 21 7:8, 9, 20 8:2, 9, 12, 19 9:16 10:1, 15, 17 11:12 12:13 13:8, 10, 15 R reasonable 11:14 recap 12:3 receive 9:13 received 9:15 reconsider 13:9 record 8:6	9:1 14:11 remedy 13:13 remote 10:17, 18 11:18 remotely 6:7, 11, 22 7:4, 9 10:12 12:12 reporter 4:14 reporter's 5:6 represent 5:11 representing 12:6 request 7:11 9:10 12:18, 19 requirement 9:8, 9 10:19 response 8:16 role 8:12, 13 Rothschild 5:10 S sake 11:1	scheduling 4:6 9:13 seek 11:9 send 14:5 situation 12:1 sort 4:6 sorted 10:22 split 13:22 submit 9:5, 15 submitted 9:16 Suh 4:3 5:4, 9, 16 6:9 7:4, 7, 12, 15, 19 12:8 14:7 supply 4:20 surprised 8:21 surreply 8:17 T taking 6:20 telephone 12:16 things 11:5 tight 4:10 today 5:18
---	---	---	--

touch 13:21 written
transcript 11:10
4:20 5:1
14:5
trial 9:14 year 9:7
turn 11:3

U

ultimately
11:5
unauthorized
6:19
understand
6:4 9:6
10:11
12:2, 4, 22
13:12, 19
understanding
10:1 13:16

V

vacation
11:9
video 6:7

W

Washington
10:5
week 12:5
weird 4:6
wound 4:7