

Brent Batzer

From: Yixin Tang
Sent: Wednesday, June 18, 2025 4:52 PM
To: Samuel T Lockner; Justin Oakland; Shashank Upadhye; Brent Batzer
Cc: Alexandra J Olson; Derek Vandenburg; Peter M Kohlhepp; Seung Sub (Elvis) Kim; Sun-Sezaby; Sage Kruse
Subject: RE: Service of IPR2025-00893: Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.; US 11,878,076

Sam,

According to USPTO's Guidance memo dated Mar. 24, 2025, the PTAB will only consider a *timely-filed Sotera* stipulation. "[T]he only appropriate time for a petitioner to offer a stipulation is prior to the Board's decision on institution." *Id.* at 3 n.2 (citing *NXP USA, Inc. v. Impinj, Inc.*, IPR2021-01556, Paper 13 (Spt. 7, 2022) (precedential)). Your proposal placing such a stipulation *after* the Institution Decision does not constitute a timely-filed stipulation, and is not appropriate.

Furthermore, as we discussed on a Zoom meeting on June 3, it is Nivagen's position that such a stipulation must include a provision that bars Sun from double dipping using a commercial product as prior art when such a product is disclosed in a publication Sun has identified as prior art. Your email below did not mention that. In this case, with Sun's splitting of "commercial embodiments" with the disclosures of those embodiments in document references, any stipulation that does not include the "embodiments" themselves cannot be deemed a genuine attempt at achieving efficiency. It is only designed to achieve redundancy.

Regards,

Yixin

From: Samuel T Lockner <SLockner@carlsoncaspers.com>
Sent: Wednesday, June 18, 2025 4:04 PM
To: Justin Oakland <joakland@carlsoncaspers.com>; Yixin Tang <yixin@ipfdalaw.com>; Shashank Upadhye <shashank@ipfdalaw.com>; Brent Batzer <brent@ipfdalaw.com>
Cc: Alexandra J Olson <AOlson@carlsoncaspers.com>; Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Seung Sub (Elvis) Kim <ekim@carlsoncaspers.com>; Sun-Sezaby <Sun-Sezaby@carlsoncaspers.com>; Sage Kruse <skruse@carlsoncaspers.com>
Subject: RE: Service of IPR2025-00893: Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.; US 11,878,076

Counsel:

Please be advised that Sun will agree to a Sotera stipulation should the PTAB institute its IPR against the '076 patent.

Sam Lockner
(612) 436-9654 (office)
(612) 616-6937 (mobile)

From: Justin Oakland <joakland@carlsoncaspers.com>

Sent: Tuesday, May 13, 2025 3:23 PM

To: Yixin Tang <yixin@ipfdalaw.com>; Shashank Upadhye <shashank@ipfdalaw.com>; Brent Batzer <brent@ipfdalaw.com>

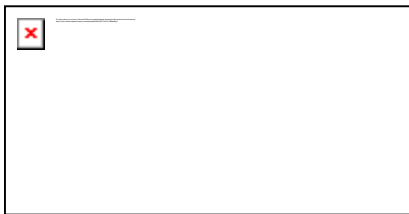
Cc: Alexandra J Olson <AOLson@carlsoncaspers.com>; Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Seung Sub (Elvis) Kim <ekim@carlsoncaspers.com>; Sun-Sezaby <Sun-Sezaby@carlsoncaspers.com>; Samuel T Lockner <SLockner@carlsoncaspers.com>; Sage Kruse <skruse@carlsoncaspers.com>

Subject: RE: Service of IPR2025-00893: Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.; US 11,878,076

Counsel,

Thank you for your email. Sun will evaluate your question in due course. We will propose a time to meet and confer, if necessary, in advance of the deadline for your discretionary denial brief.

Best regards,
Justin



Justin Oakland

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From: Yixin Tang <yixin@ipfdalaw.com>

Sent: Monday, May 12, 2025 12:48 PM

To: Samuel T Lockner <SLockner@carlsoncaspers.com>; Sage Kruse <skruse@carlsoncaspers.com>; Shashank Upadhye <shashank@ipfdalaw.com>; Brent Batzer <brent@ipfdalaw.com>

Cc: Alexandra J Olson <AOLson@carlsoncaspers.com>; Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Justin Oakland <joakland@carlsoncaspers.com>; Seung Sub (Elvis) Kim <ekim@carlsoncaspers.com>

Subject: RE: Service of IPR2025-00893: Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.; US 11,878,076

Sun IPR counsel,

Nivagen intends to file a Request for Discretionary Denial against Sun's IPR 25-893. Can you tell us whether Sun Pharma the Petitioner intends to file a *Sotera* stipulation? If not, we would like to bring this to the PTAB's attention.

Regards,

Yixin

From: Yixin Tang

Sent: Tuesday, May 6, 2025 2:25 PM

To: Samuel T Lockner <SLockner@carlsoncaspers.com>; Sage Kruse <skruse@carlsoncaspers.com>; Shashank Upadhye <shashank@ipfdalaw.com>; Brent Batzer <brent@ipfdalaw.com>

Cc: Alexandra J Olson <AOLson@carlsoncaspers.com>; Derek Vandenburg <DVandenburg@carlsoncaspers.com>;

Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Justin Oakland <joakland@carlsoncaspers.com>; Seung Sub (Elvis) Kim <ekim@carlsoncaspers.com>

Subject: RE: Service of IPR2025-00893: Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.; US 11,878,076

Sam,

No problem consenting to your PHV. However, usually PHV motion would say the attorney is familiar with the subject matter. To consent to that representation, we need to know if Mr. Kohlhepp has been working on the phenobarbital litigation, and for how long. I believe the first time I saw his name was when the IPR was served upon us.

Regards,

Yixin

From: Samuel T Lockner <SLockner@carlsoncaspers.com>

Sent: Tuesday, May 6, 2025 2:18 PM

To: Yixin Tang <yixin@ipfdalaw.com>; Sage Kruse <skruse@carlsoncaspers.com>; Shashank Upadhye <shashank@ipfdalaw.com>; Brent Batzer <brent@ipfdalaw.com>

Cc: Alexandra J Olson <AOLson@carlsoncaspers.com>; Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Justin Oakland <joakland@carlsoncaspers.com>; Seung Sub (Elvis) Kim <ekim@carlsoncaspers.com>

Subject: RE: Service of IPR2025-00893: Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.; US 11,878,076

Yixin,

Provided Nivagen will similarly agree to the PHV admission of Peter Kohlhepp and me in the IPR, we can consent. If you have any issues or questions, please let us know.

Sam Lockner
(612) 436-9654 (office)
(612) 616-6937 (mobile)

From: Yixin Tang <yixin@ipfdalaw.com>

Sent: Monday, May 5, 2025 11:03 AM

To: Sage Kruse <skruse@carlsoncaspers.com>; Shashank Upadhye <shashank@ipfdalaw.com>; Brent Batzer <brent@ipfdalaw.com>

Cc: Samuel T Lockner <SLockner@carlsoncaspers.com>; Alexandra J Olson <AOLson@carlsoncaspers.com>; Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Justin Oakland <joakland@carlsoncaspers.com>; Seung Sub (Elvis) Kim <ekim@carlsoncaspers.com>

Subject: RE: Service of IPR2025-00893: Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.; US 11,878,076

Dear Sun IPR counsel,

Our firm will be filing a Power of Attorney on behalf of Patent Owner in IPR 2025-00893. Since I am not registered or licensed at the PTO, we intend to file a motion for pro hac vice admission for me, on the basis of me being an experienced patent litigator with familiarity with the subject matter of the

challenged '076 patent. Can you let us know if you/Sun Pharma would object to the PHV motion? If not, we plan to style the motion as "unopposed." Thanks.

Regards,

Yixin

From: Sage Kruse <skruse@carlsoncaspers.com>

Sent: Tuesday, April 22, 2025 2:30 PM

To: Shashank Upadhye <shashank@ipfdalaw.com>; Yixin Tang <yixin@ipfdalaw.com>; Brent Batzer <brent@ipfdalaw.com>

Cc: Samuel T Lockner <SLockner@carlsoncaspers.com>; Alexandra J Olson <AOLson@carlsoncaspers.com>; Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Justin Oakland <joakland@carlsoncaspers.com>; Seung Sub (Elvis) Kim <ekim@carlsoncaspers.com>

Subject: Service of IPR2025-00893: Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.; US 11,878,076

Counsel,

At the below sharefile link please find the Petition for *Inter Partes* Review of U.S. Patent No. 11,878,076, Exhibits 1001-1050, and Petitioner's Power of Attorney, which were filed with the Patent Trial and Appeal Board today.

<https://carlsoncaspers.sharefile.com/public/share/web-s6c82c22c7c2b4eb28c789eb867076a89>

Please note the link expires in 30 days.

Best,
Sage



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