

**From:** [Director Discretionary Decision](#)  
**To:** [Argall, Arthur](#); [Director Discretionary Decision](#)  
**Cc:** [Eylea](#); [Aly, Imron T.](#); [Patel, Sailesh K.](#); [AFS - Fresenius - aflibercept '865 IPR](#)  
**Subject:** RE: IPR2025-01268 || Patent Owner's Request for Discretionary Denial Reply  
**Date:** Thursday, October 30, 2025 10:40:14 AM

---

Patent Owner is authorized to file a 5-page reply in IPR2025-01268 due no later than Monday, November 3, 2025, limited to addressing the arguments raised below. Petitioner is authorized to file a 5-page sur-reply due no later than Wednesday, November 5, 2025.

---

**From:** Argall, Arthur <aargall@wc.com>  
**Sent:** Wednesday, October 29, 2025 11:32 PM  
**To:** Director\_Discretionary\_Decision <Director\_Discretionary\_Decision@uspto.gov>  
**Cc:** Eylea <Eylea@wc.com>; Aly, Imron T. <imron.aly@afslaw.com>; Patel, Sailesh K. <sailesh.patel@afslaw.com>; AFS - Fresenius - aflibercept '865 IPR <AFS-Fresenius-aflibercept865IPR@afslaw.com>  
**Subject:** IPR2025-01268 || Patent Owner's Request for Discretionary Denial Reply

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

Dear Honorable Director:

Patent Owner Regeneron respectfully seeks authorization to file a 5-page reply to Petitioner Fresenius's Opposition to Regeneron's Discretionary Denial Brief. Regeneron intends to address arguments presented for the first time in Fresenius's Discretionary Denial opposition, including arguments under *Fintiv*, Fresenius's analysis of the factors set forth in the Interim Guidance Memorandum, and Fresenius's constitutional arguments, to be filed no later than one week after receiving authorization from the Board. Petitioner Fresenius's position is as follows: Regeneron's request should be denied, as it has not shown the requisite good cause for its request. A reply should not be permitted as a routine matter, and Regeneron had the opportunity to address all *Fintiv* factors. To the extent the Board does grant Regeneron's request, it should be limited to the Constitutional issues and not any other issues. And if Regeneron's request is granted, Fresenius should be permitted a sur-reply with the same number of pages as Regeneron is permitted, to be filed no later than one week after Regeneron's submission is made.

Best,

**Arthur J. Argall**  
**Associate | Williams & Connolly LLP**  
680 Maine Avenue, S.W., Washington, DC 20024  
(P) 202-434-5251 | (202) 434-5029  
[aargall@wc.com](mailto:aargall@wc.com) | [www.wc.com](http://www.wc.com)

---

This message and any attachments are intended only for the addressee and may contain information that is privileged and confidential. If you have received this message in error, please do not read, use, copy, distribute, or disclose the contents of the message and any attachments. Instead, please delete the message and any attachments and notify the sender immediately. Thank you.