

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: IPR2025-01269 || Patent Owner's Request for Discretionary Denial Reply
Date: Thursday, October 30, 2025 10:40:13 AM

Patent Owner is authorized to file a 5-page reply in IPR2025-01269 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 11:35 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: IPR2025-01269 || Patent Owner's Request for Discretionary Denial Reply

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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 (1) allegations of examiner error based on theories of invalidity not raised in the Petition, (2) new contentions regarding claim scope and the content of the file history, and (3) proposed legislation, 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 as to items (1) and (2), the Discretionary Denial Opposition responded to arguments Regeneron raised, so Regeneron should have included its arguments in its original submission. As to item (3), proposed legislation is not relevant and not a pertinent factor. To the extent the Board does grant Regeneron's request, 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

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