

From: [Boetticher, Evan](#)
To: [Trials](#)
Cc: [James Murphy](#); [Patrick Muffo](#); [Hasan, Art](#); [Herritt, Danielle](#)
Subject: IPR2025-01582, Curium USA, LLC v. Universitat Heidelberg and EURATOM
Date: Friday, July 17, 2026 10:36:41 PM
Attachments: [image001.png](#)
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Your Honors,

Patent Owner requests a conference to resolve a discovery dispute relating to obtaining discovery from the Petitioner's expert, Dr. Michael Zalutsky. The parties met and conferred on Monday, July 13, 2026, but were unable to come to a resolution.

Patent Owner believes that Petitioner's expert has praised an embodiment of the patent and publicly discussed the difficulties of using the ^{225}Ac , which contradicts views that he has expressed in his expert declaration. One example of which was cited in Patent Owner's Preliminary Response (see Paper 14 at 2-3, 64). Patent Owner has requested Dr. Zalutsky's non-privileged documents concerning the Kratochwil 2016 paper (Kratochwil et al., "225 Ac-PSMA-617 for PSMA-Targeted α -Radiation Therapy of Metastatic Castration-Resistant Prostate Cancer," *Journal of Nuclear Medicine*, vol. 57, no. 12, pgs. 1941-1944), U.S. Patent No. 10,980,901, and concerning the disadvantages of ^{225}Ac in Dr. Zalutsky's possession, custody, or control from before the filing of the present Petition. Such documents would be inconsistent with the positions advanced by Petitioner and Dr. Zalutsky and therefore falls under routine discovery under 37 C.F.R. § 42.51(b)(2).

Petitioner has refused to provide the documents and stated:

On your discovery requests, the breadth and speculative nature of the discovery requested is well outside of the realm of the limited discovery permitted for IPRs. Even if it were permitted, it would fall under the category of "additional discovery" rather than "routine discovery." 37 C.F.R. § 42.51(b)(2) (additional discovery encompasses "production of documents and things during cross examination of an opponent's witness"). Petitioner does not agree to such additional discovery and Patent Owner has not explained why the interest of justice requires this additional discovery.

Notwithstanding the above, Petitioner has complied with its routine discovery obligations as set out in 37 C.F.R. § 42.51(b)(1).

Petitioner asks the Board to require the Petitioner to provide this routine discovery or allow Patent Owner to file a motion in support of this discovery.

The parties' counsel can be available for a conference on July 21, 11am - 1pm EST, July 22, 1pm - 3pm EST, and July 23, 1pm – 3pm EST.

Patent Owner's Response is due on August 17, 2026.

Respectfully,
Evan Boetticher

Evan Boetticher

Partner

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