

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CURIUM US LLC,
Petitioner,

v.

UNIVERSITÄT HEIDELBERG AND THE EUROPEAN ATOMIC
ENERGY COMMUNITY (EURATOM), REPRESENTED BY THE
EUROPEAN COMMISSION,
Patent Owners.

IPR2025-01582
Patent 10,980,901 B2

Before ZHENYU YANG, TAWEN CHANG, and BRIAN D. RANGE,
Administrative Patent Judges.

YANG, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
Granting Patent Owner's Request to File
Motion to Compel Routine Discovery
37 C.F.R. § 42.52

Petitioner filed a Petition, challenging claims 1, 2, and 4–13 of U.S. Patent No. 10,980,901 B2 (“the ’901 patent”). Paper 2. In support of the Petition, Petitioner filed a Declaration of Michael R. Zalutsky, Ph.D. Ex. 1002. In an email to the Board, Patent Owner requested a conference with the panel to discuss a discovery dispute. Ex. 3001. On July 22, 2026, we held a conference with counsel for both parties.

During the conference, Patent Owner argued that Dr. Zalutsky previously made statements that are inconsistent with the opinion expressed in his Declaration. Patent Owner sought, under 37 C.F.R § 42.51(b)(1)(iii), discovery of non-privileged documents in Dr. Zalutsky’s possession, concerning the Kratochwil 2016 paper (Ex. 1045),¹ the ’901 patent, and the disadvantages of ²²⁵Ac.

Petitioner disagreed, arguing that Dr. Zalutsky made no inconsistent statement in the Declaration. Petitioner also contended that we should not authorize Patent Owner’s discovery request due to its broad scope.

In view of the parties’ arguments, we authorize briefing by the parties to resolve the dispute. Patent Owner is authorized to file a motion to compel routine discovery, and Petitioner is authorized to file an opposition. No new evidence is allowed. No other briefing is authorized at this time.

We advise Patent Owner to point to specific instances of inconsistent statements by Dr. Zalutsky. We also remind Patent Owner that a discovery request should be tailored to proper scope.

¹ Patent Owner asserts that Dr. Zalutsky previously praised the treatment discussed in the Kratochwil 2016 paper, which according to Patent Owner, embodies the challenged claims.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner is authorized to file a Motion to Compel Routine Discovery; the Motion is limited to seven pages and must be filed by July 29, 2026; and

FURTHER ORDERED that Petitioner is authorized to file an Opposition to Patent Owner's Motion; the Opposition is limited to seven pages and must be filed by August 5, 2026.

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