

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAGNOLIA MEDICAL TECHNOLOGIES, INC.,

Petitioner

v.

KURIN, INC.,
Patent Owner

IPR2026-00097
Patent No. 12,138,052

**PATENT OWNER'S UPDATED REQUEST FOR DISCRETIONARY
DENIAL**

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TABLE OF EXHIBITS

Exhibit No.	Description
2001	Kurin's Motion to Amend Answer and Counterclaims, <i>Magnolia Medical Technologies, Inc. v. Kurin, Inc.</i> , C.A. No. 24-1124-CFC (D. Del. November 13, 2024).
2002	Kurin's Amended Answer and Counterclaims, <i>Magnolia Medical Technologies, Inc. v. Kurin, Inc.</i> , C.A. No. 24-1124-CFC (D. Del. November 21, 2024).
2003	Magnolia Medical Tech., Inc.'s Opening Brief in Support of its Motion for Summary Judgment of Invalidity of U.S. Patent No. 12,138,052 under 35 U.S.C. §§102 and 103 (Redacted), <i>Magnolia Medical Technologies, Inc. v. Kurin, Inc.</i> , C.A. No. 24-1124-CFC (D. Del. August 1, 2025).
2004	Memorandum Order (denying Magnolia's Motion for Summary Judgment), <i>Magnolia Medical Technologies, Inc. v. Kurin, Inc.</i> , C.A. No. 24-1124-CFC (D. Del. September 2, 2025).
2005	Defendant Kurin, Inc.'s Opening Brief in Support of Daubert Motion to Exclude Testimony of Plaintiff's Expert Carl D. Meinhart, <i>Magnolia Medical Technologies, Inc. v. Kurin, Inc.</i> , C.A. No. 24-1124-CFC (D. Del. August 1, 2025).
2006	Memorandum Order (excluding certain testimony of Dr. Carl Meinhart), <i>Magnolia Medical Technologies, Inc. v. Kurin, Inc.</i> , C.A. No. 24-1124-CFC (D. Del. November 3, 2025).
2007	Verdict Form (Redacted), <i>Magnolia Medical Technologies, Inc. v. Kurin, Inc.</i> , C.A. No. 24-1124-CFC (D. Del. December 16, 2025).
2008	Excerpt from Trial Transcript, <i>Magnolia Medical Technologies, Inc. v. Kurin, Inc.</i> , C.A. No. 24-1124-CFC, Dkt Nos. 451 and 452 (D. Del. December 12 and 15, 2025).

Patent Owner respectfully requests that the Director exercise his discretion to deny the petition for *inter partes* review (“Petition”) under 35 U.S.C. §314(a).

This is a second bite at the apple for Petitioner (*see* §I, below). Petitioner has already litigated the ’052 patent’s validity over prior art for nearly a full year—through the entire window for filing a PGR, and at great expense to the parties. Petitioner failed in its litigation effort to invalidate the ’052 patent in part because Petitioner served an expert report that was so faulty the District Court felt it necessary to preclude testimony on Petitioner’s prior-art defenses. Nine days after the Court’s decision to preclude its prior-art expert from testifying, and on the eve of its statutory bar to file this Petition, Petitioner filed its IPR Petition, without informing the Director that Petitioner had already tried (and failed) to invalidate the ’052 patent over prior art in District Court. Petitioner submitted a stipulation purporting to relinquish the right to argue prior-art-based invalidity to a jury—a right the Court had already effectively taken away. Nevertheless, Petitioner opted, a month after filing its Petition, to argue invalidity under §112(a) to the jury, and the jury found the claims not invalid. Because Petitioner has already had a full opportunity to argue the invalidity of the ’052 patent over prior-art and failed to meet its burden, the Director should deny the Petition.

Independently, the Director should also deny the Petition because the Petition interprets the claims in a manner that is inconsistent with non-infringement

arguments made by the Petitioner in litigation, without the explanation required by 37 C.F.R. § 42.104(b)(3). *See* §II, below.

I. THE DIRECTOR SHOULD DISCRETIONARILY DENY THE PETITION BECAUSE PETITIONER HAS ALREADY LITIGATED VALIDITY

A. A Jury has Found the '052 Patent not Invalid

The Director should not waste resources on this proceeding because Petitioner has already had a full opportunity to litigate the validity of the '052 patent in Court, and a jury has found it not invalid. *See* Memorandum: *Interim Processes for PTAB Workload Management*, USPTO, March 26, 2025, p. 2 (discretionary denial will take into account “Whether the PTAB or another forum has already adjudicated the validity or patentability of the challenged patent claims”); *WebGroup v. Dish Technologies*, IPR2025-00467, Paper 14, at 2 (Acting Director, July 16, 2025) (granting discretionary denial where “despite that the patents were issued relatively recently, they have already been the subject of multiple proceedings”).

Eight months into the lawsuit¹ between the parties, the '052 patent issued (on November 12, 2024). The day after its issuance, and almost exactly one year before the filing date of this IPR, Patent Owner moved to amend its Answer to assert infringement of the '052 patent. The amended Answer was on file by November 21,

¹ *Magnolia Medical Technologies, Inc. v. Kurin, Inc.*, C.A. No. 24-1124-CFC (D. Del.).

2024. EX2001 and EX2002.

For the next year, the parties engaged in extensive fact discovery, claim construction, and motion practice with respect to the '052 patent. Among these efforts was Petitioner's motion for summary judgment of invalidity of the '052 patent over the very same prior art asserted here: Bullington800. EX2003, pp. 002, 007, n.1, 016.² The District Court denied Petitioner's motion for summary judgment. EX2004.

Petitioner also served an invalidity expert report of Dr. Carl Meinhart, in which Dr. Meinhart opined that the asserted claims of the '052 patent were invalid as anticipated or obvious over five different references and combinations thereof. EX2005, p. 008. The principal reference was the same reference put forward in this IPR, Bullington800 (which Dr. Meinhart referred to as "Patton#800"). EX2005, p. 008. Dr. Meinhart also rendered opinions concerning validity under 35 U.S.C. §112(a).

Patent Owner moved to exclude Dr. Meinhart's testimony under Fed. R. Ev. 702, because Dr. Meinhart (1) failed to explain the claim constructions he was using, (2) failed to identify which component or feature in the prior art he believed satisfied

² Page number citations are to added three-digit page numbers at the bottom of each page.

each element in the claim, and (3) failed to say how references would be combined. EX2005, pp. 005-017. Indeed, after an initial background section, Dr. Meinhart's report consisted principally of a series of images and quotations from prior art references, preceded by statements such as "Patton#800 discloses". As Patent Owner argued in support of its motion to exclude Dr. Meinhart's testimony,

"Dr. Meinhart's roughly 600 pages of prior art invalidity analysis fails to provide any analysis in his own words for what he contends is his claim mapping. *See* § III.A, *supra*. He does not specify which element(s) of the prior art comprise each claim element, he does not use emphasis or provide commentary in his block quotes of the prior art, and he does not even annotate, highlight, or label a single figure from the prior art. *Id.*; e.g., Ex. A ¶¶142–186. This is 'wholly and irretrievably inadequate' and as such Dr. Meinhart should be excluded from mapping the prior art to the asserted claims at trial for both anticipation and obviousness. [cite omitted]."

EX2005, p. 020. Dr. Meinhart conceded much of the same at his deposition, admitting that he had often not included claim-mapping analysis beyond introductory phrases like "Patton#800 discloses", and that, regarding his obviousness combinations, he "may not have articulated enough detail about how they'd have been combined." EX2005, pp. 014-017.

The District Court excluded Dr. Meinhart's testimony, finding that he had failed—in a manner fatal to his reliability under Fed. R. Ev. 702—to disclose the

claim construction upon which he relied for a disputed claim term. EX2006, pp. 003-004. The Court found that it “need[ed] only address one of th[e] arguments because it identifies a fatal deficiency common to Dr. Meinhart’s anticipation and obviousness opinions.” EX2006, p. 002. The Court further found that Dr. Meinhart had not said what construction he was applying on a key claim term (“a housing that defines”), and that ““failure to disclose a clear construction of each disputed claim element makes his report less than helpful to the trier of fact, in contravention of Federal Rule of Evidence 702.’ [cite omitted].” EX2006, p. 003. By excluding Dr. Meinhart’s testimony, the Court effectively eliminated Petitioner’s prior-art defenses for the jury trial.

The District Court’s order issued on November 3, 2025 (EX2006, p. 4). Petitioner filed its IPR petition in this matter nine days later.

Approximately one month after Petitioner filed its Petition, the parties conducted a jury trial in the co-pending litigation. Because the Court had already excluded Petitioner’s expert’s testimony with respect to the prior art, Petitioner did not put on a prior-art defense, but nevertheless argued to the jury that the claims of the ’052 patent were invalid for lack of written description support. The jury disagreed, finding the ’052 patent not invalid and not infringed. EX2007, p. 012.

The Director should apply his discretion to deny the Petition based on the prior litigation, including the summary judgment decision and jury verdict.

Petitioner will no doubt argue that it was prevented from arguing prior-art defenses to the jury by the Court’s exclusion order, but this misses the point. Petitioner had an *opportunity* to make a prior-art invalidity argument to the jury—it simply fumbled that opportunity. By providing an expert report that failed to address relevant claim construction, failed to map claim elements to the prior art, and failed to articulate obviousness combinations, Petitioner failed to meet its burden. That fact that Petitioner failed to meet that burden so thoroughly that the Court felt obliged to effectively exclude the prior-art defense as a gatekeeping matter does not mean Petitioner had no opportunity to argue prior art. It *had* an opportunity—one that cost both sides a tremendous amount of time and money to prepare and defend. The present IPR petition is a transparent attempt to cure deficiencies in the Petitioner’s case before the District Court, and should be denied.

B. The *Fintiv* Factors Support Denial

For similar reasons, the *Fintiv* factors favor discretionary denial. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB March 20, 2020) (precedential); *see also Klein Tools, Inc. v. Milwaukee Electric Tool Corp.*, IPR2025-01018, Paper 14 (Director Oct. 10, 2025) (applying *Fintiv* to discretionarily deny an IPR petition on a patent issued during litigation).

The *Fintiv* factors 1-6 will be addressed in the following numbered sections 1-6.

1. Whether the Court Granted a Stay or Evidence Exists That One May Be Granted if a Proceeding Is Instituted.

The co-pending litigation is not stayed. Because trial on the validity of the '052 patent in the co-pending litigation took place in December, 2025 (EX2006, p. 012), a stay is highly unlikely. This factor thus weighs strongly in favor of discretionary denial.

2. Proximity of the Court's Trial Date to the Board's Projected Statutory Deadline for a Final Written Decision.

The present IPR was filed extremely late in the District Court's process—a mere month before trial. The trial began on December 8, 2025, and the estimated deadline for the Board's final written decision is May 25, 2027. Thus, the District Court trial preceded the likely final written decision date by nearly a year and a half. This strongly weighs in favor of denial.

3. Investment in the Parallel Proceeding by the Court and the Parties.

By the time of the Board's likely institution decision (in May 2026), the parties, the District Court, and a jury will have heavily invested in the District Court proceeding. As noted above, the parties have already completed an entire district court litigation through a jury verdict by the time of this filing. This strongly weighs in favor of denial.

As the Board stated in *Fintiv*:

“[N]otwithstanding that a defendant has one year to file a petition, it may impose unfair costs to a patent owner if the petitioner, faced

with the prospect of a looming trial date, waits until the District Court trial has progressed significantly before filing a petition at the Office.”

Fintiv at 11; *see also Azurity Pharms. v. Heron Therapeutics, Inc.*, PGR2025-00035, Paper 11 (Director Aug. 14, 2025) (denying institution as a discretionary matter, despite the more-favored PGR filing, finding that “there has been substantial investment by the parties in the district court proceeding. For example, the parties have exchanged invalidity and infringement contentions, conducted all fact depositions, completed all document production, and expert discovery will close prior to the due date for an institution decision in these proceedings.”).

4. Overlap Between Issues Raised in the Petition and in the Parallel Proceeding.

There was substantial overlap with the co-pending litigation. Before the District Court, Petitioner argued invalidity over Bullington800 in a summary judgment motion, which was denied by the Court. EX2003, pp. 002, 016. Petitioner also attempted to argue invalidity over Bullington800 to the jury, but as noted above, failed in the attempt. EX2006, pp. 002-004.

Petitioner seeks to avoid overlap by providing a stipulation at the end of its petition, but this stipulation should be given no weight. Petitioner states:

“Petitioner and any real party in interest or privy of the Petitioner will not raise in the trial currently scheduled to begin on December 8, 2025 in the Corresponding District Court Litigation (Magnolia

Medical Technologies, Inc. v. Kurin, Inc., 1-24-cv-01124 (D. Del. filed Mar. 4, 2024)), grounds of invalidity or unpatentability to the challenged patent under 35 U.S.C. §§ 102 or 103.”

Pet., p. 82.

While this stipulation initially seems broad, it was made after the District Court *had already excluded* the expert testimony on which these very same defenses Petitioner depended. EX2006, p. 004. Nor does Petitioner’s stipulation rule out challenging the ’052 patent under 35 U.S.C. §§ 102 or 103 in any re-trial in the co-pending litigation or future trial concerning infringement of the ’052 patent. Petitioner gave up nothing with its stipulation.

Petitioner’s attempt to provide an empty stipulation—without informing the Director that the Court had already excluded the defenses Petitioner was purporting to relinquish—weighs heavily in favor of exercising discretion to deny the petition.

5. Whether the Petitioner and the Defendant in the Parallel Proceeding Are the Same Party.

The parties to the co-pending litigation are the same as the parties to this IPR, which weighs in favor of discretionary denial.

6. Other Circumstances That Impact the Board’s Exercise of Discretion, Including the Merits.

Petitioner’s gamesmanship strongly supports discretionary denial. Petitioner has been aware of the ’052 patent at least since November 13, **2024**, the day after the ’052 patent issued, when Patent Owner moved to amend its answer in the co-

pending litigation. EX2001.

Petitioner litigated the '052 patent during the entire nine-month window for filing a PGR, but declined to file a PGR petition. Instead, Petitioner waited until the very eve of its statutory bar to file an IPR, providing no explanation for this delay. This is likely because the truth was to its detriment: Petitioner filed the IPR *because* the District Court had excluded its prior-art defenses nine days earlier. Petitioner then provided, without critical context, a stipulation that appeared to be broad but was, in reality, empty of content.

Petitioner's failure to file a PGR (although available), Petitioner's unexplained delay in filing, and Petitioner's empty stipulation demonstrate gamesmanship on the Petitioner's part, and weigh strongly in favor of denying the Petition.

II. PETITIONER APPLIES CLAIM ELEMENTS [1E] AND [1C] IN A MANNER INCONSISTENT WITH LITIGATION POSITIONS

The Petition should also be denied because it applies the claims in a manner inconsistent with non-infringement arguments made to the jury in the parties' co-pending litigation, without any explanation as to why the inconsistency is justified. “[W]hen a petitioner advances different positions before the Board and a district court, that petitioner is required to explain why those different positions are warranted.” *Tesla Inc., v. Intellectual Ventures II, LLC*, IPR2025-00340, Paper 18 at 3 (Director Nov. 5, 2025) (informative) (citing *Revvo Techs., Inc. v. Cerebrum*

Sensor Techs., Inc., IPR2025-00632, Paper 20 at 3–5 (Director Nov. 3, 2025) (precedential)) (discretionarily denying institution because petitioner must explain why it takes different claim construction positions in the petition and in district court); *see also Sun Pharmaceutical Industries, Inc. v. Nivagen Pharmaceuticals, Inc.*, IPR2025-00893, Paper 18 at 2-3 (Acting Director Sept. 19, 2025) (informative) (discretionarily denying institution where Petitioner takes a narrower claim construction position in district court and fails to explain why a broader construction is warranted in its petition).

Petitioner takes inconsistent positions with respect to at least claim elements [1E] and [1C].³

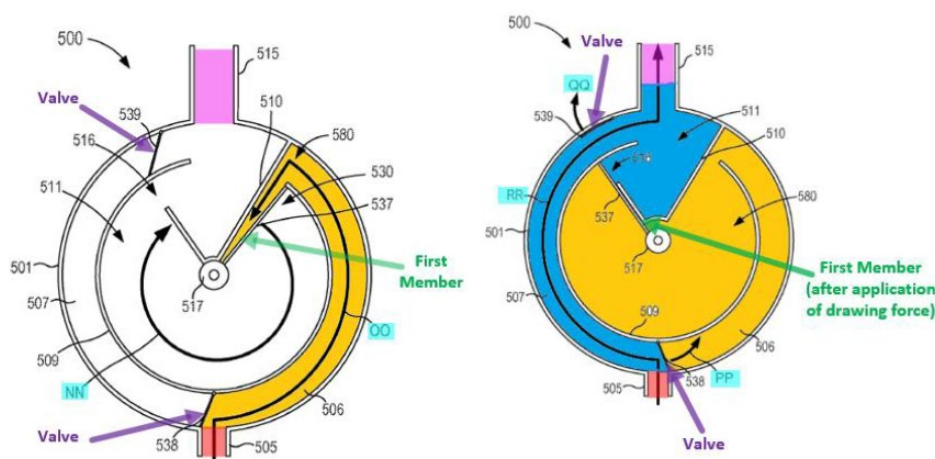
A. Claim element [1E]

Claim element [1E] reads “a housing that defines the inlet port, the sampling channel, and the outlet port.” Petitioner’s interpretations of this claim element are inconsistent. In the Petition, Petitioner takes a broad view of the term, assuming that claim element [1E] is met when “the housing 501 [of the prior art] **substantially**

³ Petitioner challenges claims 1-24 of the ’052 patent under 4 different Grounds, each of which relies principally on the Bullington800 art. Pet., p. 11. Claims 1 and 13 are independent. The issues highlighted herein with respect to independent claim 1 are also present in Petitioner’s analysis of independent claim 13.

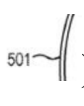
forms the bordering structure that walls off (i.e., fixes or defines the limits of) the inlet port to the outlet port.” Pet., p. 21 (emphasis added). When arguing non-infringement in the co-pending litigation, however, Petitioner contended that the sampling channel could not be formed, even partially, by other components.

The Petition’s discussion of claim element [1E] provides the following annotated versions of Figs. 16 and 17 of Bullington800:



Ex. 1012, Figs. 16 & 17 (annotated)

Pet., p. 18.

Petitioner argues that the “housing” is composed of elements 501 and 509 (essentially, the narrow black lines enclosing a blank space, e.g. ). Pet., pp. 19-22. Petitioner further appears to contend that the outlet port is the area marked in purple in annotated Fig. 17 (Pet., pp. 19-20), the inlet port is the area marked in red (Pet., pp. 19-20), and the sampling channel is the area marked in blue (Pet., pp. 19-20).

In other words, portions of the alleged sampling channel in Bullington800 are not formed by what Petitioner calls the housing (Pet., pp. 19-20), but rather by members 537 and 538. Petitioner seems to acknowledge this at least for member 537, arguing in the Petition that “[t]he first member 537 provides the border for a small portion of the sampling channel near the outlet port while keeping the sampling channel fluidically isolated from the chamber. Ex. 1012, ¶¶[1109]-[1111], [1114], Figs. 16-17; Ex. 1002, ¶87.” Pet., p. 21. Thus, Petitioner asserts that prior art can meet element [1E] even where the housing does not “define” portions of the sampling channel.

To justify this position, Petitioner does not discuss the proper construction of claim element [1E], but rather argues more elliptically that its interpretation of element [1E] is “consistent with the ’052 patent”. In the words of the Petition:

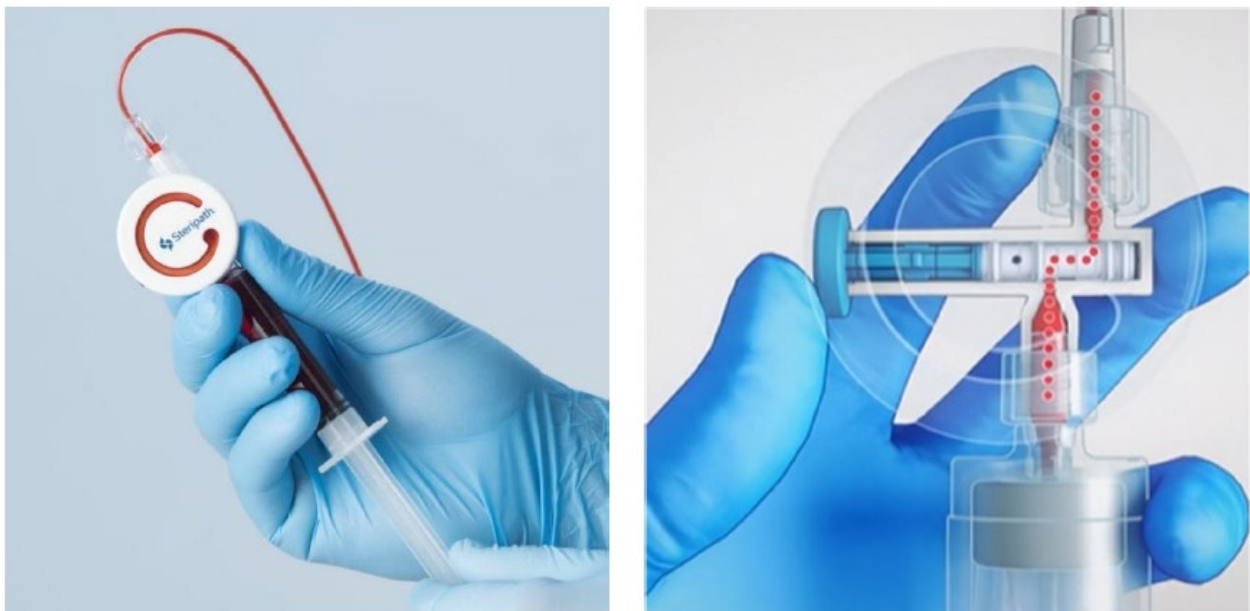
“Thus, to the extent the ’052 Patent describes a housing as claimed, Bullington800 is consistent with it, where both include a set of walls that substantially forms the boundaries of each of the outlet port, inlet port, and sampling channel and the back side of the hydrophobic plug delineates a small portion of the sampling channel near the outlet port while keeping the sampling channel fluidically isolated from the chamber.”

Pet., p. 21.

At trial in the litigation, however, Petitioner appeared to argue that claim

element [1E] would not be met unless *every* portion the inlet port, the sampling channel, and the outlet port were formed by the housing. Specifically, at trial, Petitioner's expert testified that Petitioner's Steripath Micro Device did not infringe the asserted claims of the '052 patent because the housing *by itself* did not define the sampling channel, but rather it was a combination of the *housing* and a *button*. EX2008, Tr. 1601:1-6 (PDF page 067). Petitioner's trial attorney reinforced this, arguing to the jury that the '052 patent requires a housing that defines the sampling channel, and that Steripath Micro did not meet the claims because without the button, there was no sampling channel. EX2008, Tr. 1808:18-1809:1 (PDF page 119).

This argument can be illustrated with the following diagrams of Steripath Micro (from Patent Owner's counterclaim):



EX2002, pp. 117-122. Blood drawn from a patient initially fills a semi-circular collection chamber (left side). Then the user presses a button (right side diagram),

which actuates an internal valve to bypass the collection chamber and open a sampling channel. Thus, the “button” referred to by Magnolia serves to open the sampling channel, much as the “second member” 538 serves to open the sampling channel in Bullington800. The jury ultimately found that the Steripath Micro Device did not infringe claim 1.⁴

Petitioner’s arguments in its Petition and before the jury are in direct tension. In the IPR, Petitioner implies that the housing need only roughly and “substantially” define the outline of the sampling channel.⁵ To avoid infringement in the District Court litigation, however, Petitioner argued that the “sampling path” could not be defined by *anything but* the housing. Petitioner purports to apply the same claim construction as applied in District Court, namely that “a housing that defines” means “a casing that fixes or marks the limits of”. Pet., p. 37 (citing Ex. 1036, p. 1). Yet in practice, Petitioner imports a broader construction in its Petition than in District Court.

It was the Petitioner’s burden to reconcile the inconsistency. The purpose

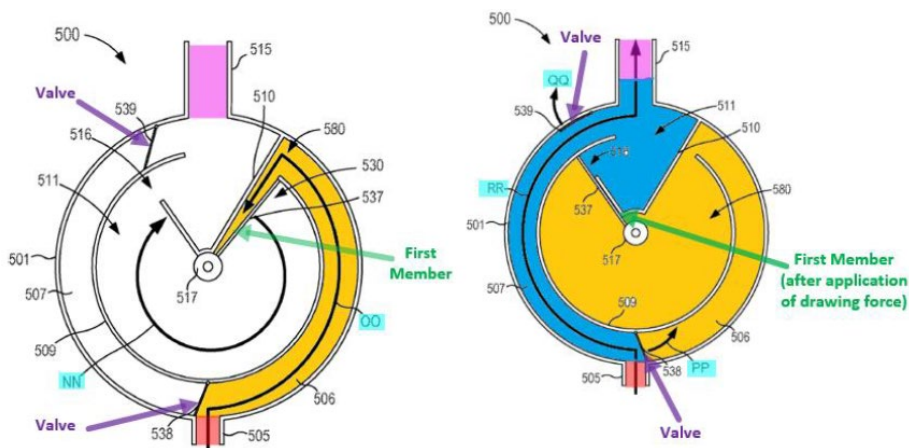
⁴ Claims 1, 10 and 12 of the ’052 patent were asserted at trial.

⁵ Patent Owner notes that Petitioner’s invalidity expert, perhaps not coincidentally, also failed to explain his construction for the term “housing that defines”, and that this failure led to his testimony being excluded. EX2006, pp. 003-004.

behind the Director’s precedential decision in *Revvo* was to require Petitioners “to choose a single claim construction that best captures the true meaning of the patent claim.” *Revvo*, p. 4. This, in turn, helps “ensure that the Board correctly construes claim terms to minimize inconsistency in claim construction between forums.” *Id.* Here, the Petitioner needed to either adopt its litigation construction (including advocating for the propriety of that construction), or explain why its IPR construction is inconsistent. Because Petitioner’s approach leaves the proper claim construction unclear, the Petition has not complied with 37 C.F.R. § 42.104(b)(3), and should be denied. *See Revvo*, p. 5.

B. Claim element [1C]

Claim element [1C] reads “a chamber connected with the inlet port and configured to collect a first portion of the blood sample when under a drawing force applied from the outlet port from a blood sample collection device”. Petitioner’s interpretations of this claim element are again inconsistent. In the Petition, the Petitioner assumes that the “chamber” of claim element [1C] can be “under a drawing force applied from the outlet port” when the drawing force is applied *via intermediate components*. To help illustrate Petitioner’s IPR construction, the Petition’s annotated versions of Figs. 16 and 17 are provided again here:



Ex. 1012, Figs. 16 & 17 (annotated)

Pet., p. 15.

According to the Petition, the “chamber” of claim element [1E] is space 580 (colored yellow-orange), while the outlet port is colored purple. The Petition contends that a suction force is applied to the outlet port, that the suction force acts to move the member 537, and that this in turn puts the “chamber” under a drawing force. Pet., p. 16. Thus, the Petition contends that in Bullington800 the alleged “drawing force” is not applied *directly* from the outlet, but rather provided *via* the member 537. In the words of the Petition:

“When coupled to the outlet port, the syringe ‘introduce[s] a negative pressure in a portion of the inner volume 511 that exerts a suction force...operable in rotating the first member 537.’ Id., ¶¶[1112], [1107], Fig. 16. The rotation of the first member 537 increases a volume of the chamber thus causing the negative pressure to be exerted within the chamber.”

Pet., p. 16.

At trial in the litigation, however, Petitioner sought to avoid infringement by arguing that the accused product's outlet port did not *directly* apply a drawing force to the relevant chamber. Instead, when a syringe was attached to the outlet port and a negative pressure applied, the drawing force was mediated by an intervening "bladder" element before being applied to the chamber. Petitioner's non-infringement expert testified that a vacuum flips the bladder, and the bladder that creates the drawing force that pulls in the blood sample. EX2008, Tr. 1597:9-23 (PDF p. 066). For that reason, the expert opined that the Steripath Micro does not practice requirement [1C] of Claim 1 of the '052 patent. Petitioner's trial attorney then argued to the jury that if the jury agreed with Professor Meinhart concerning how the Petitioner's device worked (that the drawing force came from the bladder instead of from the vacuum at the outlet), then there was no infringement of the Patent Owner's claims. EX2008, Tr. 1808:14-17 (PDF p. 119).

Petitioner's litigation and IPR constructions are again inconsistent. The Petition argues that a drawing force acting on member 537, which in turn acts on the alleged "chamber", meets element [1C]. In the litigation, Petitioner argued that a drawing force acting on a "bladder", which in turn acted on the "chamber", did not meet element [1C]. The Petitioner provides no explanation to justify this inconsistency, and thus fails to meet 37 C.F.R. § 42.104(b)(3) for this additional reason. *See Revvo*, p. 5.

III. CONCLUSION

Petitioner wasted a year of the Court's time litigating validity of the '052 patent, only to file its Petition days after the Court precluded its prior-art expert from testifying at trial. Without mentioning this, Petitioner purported to enter a stipulation giving up the very right the Court had effectively just taken away: the right to put on a prior-art invalidity defense at trial. The Petition, moreover, interprets the claims in a manner inconsistent with Petitioner's non-infringement defenses at trial, without any explanation as to why such inconsistency is justifiable, and without forthrightly saying what Petitioner believes the correct claim constructions to be. Petitioner's gamesmanship should not be rewarded, and the Director should exercise his discretion to deny the Petition.

Date: <u>February 13, 2026</u>	<u>/Matthew A. Smith/ (RN 49,003)</u> Matthew A. Smith SMITH BALUCH LLP 700 Pennsylvania Ave SE Ste. 2060 Washington, DC 20003 (202) 669-6207 smith@smithbaluch.com <i>Counsel for Patent Owner Kurin, Inc.</i>
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Patent Owner's Updated Request for Discretionary Denial, together with all exhibits and other documents filed therewith, was served by email on the Patent Owner's counsel of record at the United States Patent & Trademark Office having the following addresses:

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Date: February 13, 2026

/Matthew A. Smith/ (RN 49,003)