

From: [Director_Discretionary_Decision](#)
To: [Tyler Boyce](#); [Director_Discretionary_Decision](#)
Cc: [Joseph Eng](#); [Mikaela Stone](#); [Stephen Baskin](#); [Niagen-Thorne IPR](#); [Mills, Jad](#); [Rosato, Michael](#); [Potter, Garrett](#); [WSGR - WSGR PTAB](#); [wdevine](#)
Subject: RE: IPR2026-00400 Thorne Research v. ChromaDex
Date: Monday, October 5, 2026 9:49:31 AM
Attachments: [image001.png](#)

Patent Owner is authorized to file a 5-page reply in IPR2026-00400, due no later than Wednesday, October 7, 2026, limited to addressing the matters raised below. Petitioner is authorized to file a 5-page sur-reply, due no later than Tuesday, October 13, 2026.

From: Tyler Boyce <TBoyce@kslaw.com>
Sent: Friday, October 2, 2026 8:46 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Joseph Eng <jeng@kslaw.com>; Mikaela Stone <Mikaela.Stone@KSLAW.com>; Stephen Baskin <sbaskin@kslaw.com>; Niagen-Thorne_IPR <Niagen-Thorne_IPR@KSLAW.com>; Mills, Jad <jmills@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Potter, Garrett <gpotter@wsgr.com>; WSGR - WSGR_PTAB <wsgr_ptab@wsgr.com>; wdevine <wdevine@wsgr.com>
Subject: IPR2026-00400 Thorne Research v. ChromaDex

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To the Board:

Patent Owner respectfully seeks leave to file a limited reply brief of 5 pages in support of its request for a discretionary denial. Good cause exists for a reply on Patent Owner's Section 314(a) requests under *Fintiv* for two reasons: (1) because Petitioner raised invalidity in the parallel district court proceeding only after Patent Owner's request for discretionary denial was filed; and (2) to allow Patent Owner to respond to what it believes are misleading statements regarding the status and schedule of the parallel litigation. Good cause exists for a reply on Patent Owner's Section 325(d) requests under *Advanced Bionics* to respond to Petitioner's lexicography argument raised for the first time in its Opposition to Discretionary Denial instead of in the Petition as required by 37 CFR § 42.104(b)(3).

The parties met and conferred on Thursday, October 1. Petitioner would not oppose a 3-page brief addressing the "status and schedule of the parallel litigation," provided Petitioner is allowed a sur-reply of similar length. Regarding the "lexicography" argument, Petitioner respectfully opposes additional briefing. The Petition repeatedly identified an express definition in the subject patent (see, e.g., Pet. at 6-7 ("The '506 patent defines that R₆-R₈ are hydroxyl-protecting groups.")) (citing EX1001, 8:17-28, 7:1-16); see also *id.*, 3, 13-18, 21, 23) and Patent Owner responded in both its Discretionary Denial brief (Paper 6 at 13-17; see also, e.g., *id.* at 5-8, 18-20) as well as its POPR (Paper 7 at 21-22; see also, e.g., *id.* at 2-3, 12-20, 23-30, and 39-41). There is no new issue requiring additional briefing.

Counsel for the parties can be available for a telephone conference with the Board at the following dates and times:

- Monday, October 5 from 9:00 AM – 5:00 PM ET
- Tuesday, October 6 from 9:00 AM – 1:00 PM ET
- Tuesday, October 6 from 3:00 PM – 5:00 PM ET

Counsel for Petitioner is copied on this email.

Kind Regards,

J. Tyler Boyce

Counsel for Patent Owner ChromaDex

J. Tyler Boyce

Associate

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