

From: [Trials](#)
To: [Giannelli, Maximilienne](#); [Trials](#); [Herbert, Toni-Junell](#)
Cc: [raj.gupta@finnegan.com](#); [Feldstein, Mark](#); [UPL-PGR-FINNEGAN](#); [Carson, Charles C.](#); [Bucca, Daniel](#); [Klecyngier, David M.](#); [EXT-Mrick@bakerlaw.com](#)
Subject: RE: PGR2023-00017; Request for Authorization to File Motion Pursuant to 37 C.F.R. Sec. 42.223(a)
Date: Tuesday, September 5, 2023 12:45:21 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Counsel,

From the Board –

Patent Owner is authorized to file an opposition to Petitioner’s Motion to Submit Supplemental Information. The opposition is limited to eight pages and must be filed by September 13, 2023.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Giannelli, Maximilienne <Maximilienne.Giannelli@finnegan.com>
Sent: Tuesday, September 5, 2023 7:59 AM
To: Trials <Trials@USPTO.GOV>; Herbert, Toni-Junell <therbert@bakerlaw.com>
Cc: raj.gupta@finnegan.com; Feldstein, Mark <mark.feldstein@finnegan.com>; UPL-PGR-FINNEGAN <UPL-PGR-FINNEGAN@finnegan.com>; Carson, Charles C. <ccarson@bakerlaw.com>; Bucca, Daniel <dbucca@bakerlaw.com>; Klecyngier, David M. <dklecyngier@bakerlaw.com>; EXT-Mrick@bakerlaw.com <Mrick@bakerlaw.com>
Subject: RE: PGR2023-00017; Request for Authorization to File Motion Pursuant to 37 C.F.R. Sec. 42.223(a)

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Dear Honorable Board,

We write on behalf of Patent Owner in response to the Board’s August 28, 2023, email directing the parties to meet and confer regarding Petitioner’s Motion to Submit Supplemental Information. Petitioner has now provided to Patent Owner six (6) documents identified as “some of the exhibits [Petitioner] expect[s] to use,” indicated that “there may be more or less in the filing on Tuesday” including “a supplemental declaration of Dr. Hall-Ellis as well of translations of any Brazilian documents,” and explained that the basis for its Motion is to “respond to the Board’s invitation for the parties to more ‘fully develop the record during trial.’ Decision at 18.”

Based on this information and explanation, Patent Owner will oppose Petitioner’s Motion. Patent

Owner further requests leave to file an opposition of up to 10 pages by September 15, 2023 (1 day less than Petitioner has had to draft its motion since making its request on August 25, 2023).

Respectfully submitted,

Max Giannelli
Counsel for Patent Owner UPL

Maximilienne Giannelli, Ph.D.
Intellectual Property Attorney

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From: Trials <Trials@USPTO.GOV>
Sent: Monday, August 28, 2023 2:26 PM
To: Herbert, Toni-Junell <therbert@bakerlaw.com>; Trials <Trials@USPTO.GOV>
Cc: Giannelli, Maximilienne <Maximilienne.Giannelli@finnegan.com>; Gupta, Raj <Raj.Gupta@finnegan.com>; Feldstein, Mark <mark.feldstein@finnegan.com>; UPL-PGR-FINNEGAN <UPL-PGR-FINNEGAN@finnegan.com>; Carson, Charles C. <ccarson@bakerlaw.com>; Bucca, Daniel <dbucca@bakerlaw.com>; Klecyngier, David M. <dklecyngier@bakerlaw.com>; EXT-Mrick@bakerlaw.com <EXT-Mrick@bakerlaw.com>
Subject: RE: PGR2023-00017; Request for Authorization to File Motion Pursuant to 37 C.F.R. Sec. 42.223(a)

EXTERNAL Email:

Counsel,

From the Board –

Petitioner's request for authorization to file a Motion to Submit Supplemental Information pursuant to 37 C.F.R. Sec. 42.223(a) is granted. The motion must be filed by September 5, 2023 and is limited to eight pages.

The parties are instructed to meet and confer on this matter, and Petitioner is required to report, via an email to the Board and before filing the motion, whether Patent Owner opposes the motion.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board

U.S. Patent & Trademark Office

From: Herbert, Toni-Junell <therbert@bakerlaw.com>

Sent: Sunday, August 27, 2023 12:38 PM

To: Trials <Trials@USPTO.GOV>

Cc: maximilienne.giannelli@finnegan.com; raj.gupta@finnegan.com; mark.feldstein@finnegan.com; UPL-PGR-Finnegan@finnegan.com; Carson, Charles C. <ccarson@bakerlaw.com>; Bucca, Daniel <dbucca@bakerlaw.com>; Klecyngier, David M. <dklecyngier@bakerlaw.com>; Rick, Michelle <MRick@bakerlaw.com>

Subject: PGR2023-00017; Request for Authorization to File Motion Pursuant to 37 C.F.R. Sec. 42.223(a)

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To the Honorable Board,

The Petitioner respectfully requests authorization to file a Motion to Submit Supplemental Information pursuant to 37 C.F.R. Sec. 42.223(a). This request is made within one month of the institution date July 31, 2023. This request was originally sent Friday August 25th; however, Petitioner renews the request herein as there was a typographical error in the C.F.R. citation.

Should the Board require a conference call, the Parties will provide their availability.

Respectfully submitted,

Toni-Junell Herbert

Counsel for Petitioner, Syngenta Crop Protection AG

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