

From: [Trials](#)
To: [Herbert, Toni-Junell](#); [Trials](#)
Cc: mark.feldstein@finnegan.com; [Guerra, Kenneth](#); raj.gupta@finnegan.com; [Carson, Charles C.](#); [Bucca, Daniel](#); [Klecynwier, David M.](#); [Rick, Michelle](#); UPL-PGR-Finnegan@finnegan.com
Subject: RE: PGR2023-00017; Request for Authorization to File Motion Pursuant to 37 C.F.R. 42.51(b)(1) and (2)
Date: Tuesday, January 9, 2024 2:41:51 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Counsel,

From the Board –

Petitioner is authorized to file the requested motion. Petitioner's motion is limited to 8 pages and should be filed by January 17, 2024. Petitioner is authorized to file as an exhibit with its motion the email correspondence exchanged between the parties regarding the requested discovery. Patent Owner is authorized to file an opposition to Petitioner's motion. Patent Owner's opposition is limited to 8 pages and should be filed by January 29, 2024.

Regards,

Esther Goldschlager

Supervisory Paralegal Specialist

Patent Trial & Appeal Board

U.S. Patent & Trademark Office

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

Sent: Tuesday, January 9, 2024 1:14 PM

To: Trials <Trials@USPTO.GOV>

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

Subject: RE: PGR2023-00017; Request for Authorization to File Motion Pursuant to 37 C.F.R. 42.51(b)(1) and (2)

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To the Honorable Board,

Petitioner (Syngenta) hereby requests authorization to file a Motion for Discovery under 37 C.F.R. § 42.51(b)(1) and (2) ("Motion"). Petitioner requests 8 pages for its Motion. Patent Owner (UPL) opposes the motion.

Petitioner seeks the underlying data and materials related to the examples in the patent at issue (the '727 patent). In the alternative, if the underlying data and materials cannot be found, Petitioner seeks a deposition from inventor Rajju Devidas Shroff, resident in India where the experiments took place.

The Parties have exchanged email correspondence but have been unable to reach agreement; there have not been any telephonic or in-person meetings.

If necessary, the parties can be available at the Board's convenience for a conference call on January 11 from 10am to 12pm and from 2pm to 7pm.

Respectfully submitted,

Toni Herbert

Counsel for Petitioner, Syngenta Crop Protection AG

Toni Herbert

Partner

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