

From: [Kushan, Jeffrey P.](#)
To: [Trials](#)
Cc: [Eldora L. Ellison](#); [Olga A. Partington](#); [Christopher Gallo](#); [Katzeff, Lauren](#); [Bhatia, Amit](#); [Arrington, Ethan P.](#)
Subject: PGR2025-00059; IPR2026-00069 - Request for Conference Call
Date: Monday, May 4, 2026 4:56:25 PM
Attachments: [image001.png](#)

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Your Honors,

Petitioner GE Healthcare (GEHC) requests a conference call to address means of securing production of experimental records from Patent Owner, Johns Hopkins University (JHU). Specifically, JHU and its expert relied on experimental results provided in a declaration during examination by an inventor (Dr. Pomper). See, e.g., Patent Owner Response at 52, 90, 95-97 ; EX2029 (Van Brocklin Declaration), ¶¶ 117-120, 149-150, 187-189, 192; EX1002 at 174-176 (Dr. Pomper's Declaration). Neither Dr. Pomper nor Patent Owner's expert reported details of the experiments consistent with 37 C.F.R. 42.65.

On April 22, 2026, Petitioner requested that JHU voluntarily produce certain records associated with the experiments that were performed. The records Petitioner requested were:

1. Documents sufficient to identify all compounds synthesized, characterized, and/or tested in connection with that work, including any compounds synthesized or tested but not reported in Dr. Pomper's Declaration;
2. Documents describing the experimental design and protocols used;
3. Lab notebook records of experiments conducted;
4. Results from experiments performed, including raw data, instrument outputs, analyses of data, internal summaries, presentations, test reports, memoranda or other documents compiling, discussing or analyzing the experimental results.

Petitioner requested that JHU produce the records promptly in view of the July 1, 2026 deadline for Petitioner's reply (Due Date 2) in PGR2025-00059. Despite three additional emails and a telephone conference, JHU has not indicated whether they will or will not voluntarily produce the requested records.

Petitioner accordingly requests authorization to file a motion for additional discovery of the identified experimental records, or in the alternative, an order directing Patent Owner to produce the requested records.

Patent Owner's Position

Patent Owner's position is that GE is not seeking routine discovery; GE is seeking additional discovery

to cure its failure to meet its initial burden. 37 C.F.R. 42.51. GE had the relevant information at the time of the Petition and chose not to address it, e.g., in its expert's §§ 103 and 112 analyses. Patent Owner's reliance on existing record evidence merely exposes GE's failure. It does not justify the vast discovery GE seeks. And despite seeking additional discovery, GE has failed to explain how it is entitled to such discovery in light of the Garmin factors.

Parties Availability

The parties are available on Wednesday, May 6, between 9:00–11:00 a.m. or between 2:00–5:00 p.m, and will provide additional dates/times as needed by the Panel.

Sincerely,

Jeff Kushan
JEFFREY P. KUSHAN

SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
+1 202 736 8914
jkushan@sidley.com
www.sidley.com
SIDLEY

This e-mail is sent by a law firm and may contain information that is privileged or confidential.
If you are not the intended recipient, please delete the e-mail and any attachments and notify us
immediately.
