

From: [Trials](#)
To: [Katzeff, Lauren](#); [Trials](#)
Cc: [Eldora L. Ellison](#); [Olga A. Partington](#); [Christopher Gallo](#); [Kushan, Jeffrey P.](#); [Bhatla, Amit](#); [Arrington, Ethan P.](#)
Subject: RE: PGR2025-00059; IPR2026-00069 - Request for Conference Call
Date: Thursday, July 23, 2026 4:57:24 PM
Attachments: [image002.png](#)
[image003.png](#)

Counsel,

The panel thanks you for your continuing efforts to cooperate on the compelled discovery. Unfortunately, the panel is not available for a conference on July 24th. Available times are Monday, July 27th at 1-3:30 and 4-5 PM ET. Additional times later in the week may also be available if the parties are not available at the times above. In the event the panel requires additional production or actions to certify that the required documents have been produced by JHU, the panel will extend Due Dates 2 and 3 to permit additional time for the parties to depose JHU's expert and complete briefing.

Regards,

Andrew Kellogg,
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From: Katzeff, Lauren <lkatzeff@sidley.com>
Sent: Wednesday, July 22, 2026 10:05 AM
To: Trials <Trials@USPTO.GOV>
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Subject: PGR2025-00059; IPR2026-00069 - Request for Conference Call

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Your Honors,

Since April, Petitioner has been seeking discovery into experimental work underlying an inventor declaration filed during examination (the “Pomper Experiments”) and relied upon by Patent Owner JHU and its expert in this proceeding. On June 4, the Board ordered this discovery, and JHU was to have completed its production by July 8. PGR2025-00059, Paper 19. Because of the limited time in the schedule, Petitioner attempted multiple times during the production period to work with JHU to identify the materials within the scope of the Board’s order. *See id.*, at 7 (“[W]e believe that the parties can work together to accurately identify the Materials related to the experiments at issue.”). JHU rejected those efforts. JHU’s production omits multiple types of responsive materials (e.g., analyses of results, chemical structures for 17 Pomper Experiments compounds), redacts entire pages of responsive documents for non-privileged reasons, and demonstrates significant discrepancies from the types of records that JHU represented to the Board it would need to review to make its production (*see* Paper 17, at 5, Appendix).

In the parties’ correspondence and in a meet and confer, JHU refused to cooperate with Petitioner in connection with its discovery activities. For example, in response to Petitioner’s inquiries about what JHU searched for, collected, and reviewed, JHU’s counsel repeatedly declared “we are done here,” and insisted that it is not JHU’s job to explain its production to Petitioner. This conduct has prevented Petitioner from determining what information does or does not exist in JHU’s possession, custody, or control, assessing what has been produced, and identifying deficiencies in the production.

JHU’s actions have materially prejudiced Petitioner’s ability to prepare for the July 29 deposition of JHU’s expert and to prepare its Petitioner’s reply on August 10. Petitioner requests a conference call concerning appropriate relief to remedy JHU’s obstruction, delays, and inadequate production, such as an order precluding JHU from relying on (i) the experimental results in the Pomper Declaration (i.e., Paper 12, at 48-54 (unexpected results), 90, 95, 97 (enablement), and (ii) any testimony of its expert based on those experimental results (i.e., EX2029, ¶¶ 117-124 (unexpected results), 149, 187-189, 192 (enablement)), in its papers and arguments in these proceedings.

Patent Owner’s Position

JHU fully complied with the Board's Order by the July 8 deadline. As ordered, JHU produced the “records of the tests and test results from Dr. Pomper's lab described in paragraphs 42-43 of Dr. Pomper’s [§ 1.132] Declaration” submitted during prosecution of the patents at issue in PGR2025-00059 and IPR2026-00069. *See* PGR2025-00059, Paper 19 at 2. JHU's production spans **~150 files encompassing 250+ pages** and includes the documents that JHU could locate and as those documents exist: the protocols underlying the Pomper Experiments, the underlying raw data, and analyses of that data in the form of graphical analyses, non-linear fits, and slide decks summarizing the assay results and calculated specificity values. This production covers each compound in Dr. Pomper's Declaration, the compounds in the related PCT that GE

claimed lacked data in its discovery motion, and additional compounds found in neither source. JHU has repeatedly told GE that it cannot produce documents that do not exist. JHU has therefore met its obligations under the Board's Order.

Since receiving the production, GE has lodged numerous inquiries seeking information beyond what the Board ordered, and those inquiries show that GE has not carefully reviewed what JHU produced. JHU has had to direct GE to data GE claimed was missing but that was, in fact, included in the production. JHU accordingly suggested that GE's counsel review the production together with GE's expert, yet GE's questions indicate counsel may not have taken even that basic step.

GE's counsel has asked, for instance, whether JHU searched "records about protocols and compounds submitted to JHU's **Animal Care** and Use Committee," and inquired about "protocols for the handling of **radioactive substances** in Dr. Pomper's lab." Neither has any bearing on the ordered discovery. The assays at issue are plainly *in vitro* assays involving **no animal subjects whatsoever**, and GE identifies **no connection** between radioactive-handling protocols and the test results at issue. That GE would seek such materials reveals either a fundamental misunderstanding of the science related to the ordered production or an attempt to turn the Board's order into a fishing expedition.

More broadly, GE's questions demand that JHU **explain the substance** of its production. JHU has cooperated by identifying numerous exemplary documents by Bates number, but GE's ceaseless questions exceed the scope of ordered discovery and impose an undue burden. JHU has repeatedly invited GE to cite any authority requiring JHU to explain "what JHU searched for, collected, and reviewed," and GE has cited none.

As for the redacted material, JHU has explained that it is JHU-confidential and non-responsive to the Board's Order as it relates to a different experiment involving a different assay. GE's continued efforts to access it confirm that GE is on a fishing expedition. When pressed at the parties' meet-and-confer to identify authority supporting its demands, GE again cited nothing, leaving nothing further to discuss.

JHU fully complied with the Order by the July 8 deadline, and GE has failed to show otherwise. The relief GE seeks is unwarranted, would prejudice JHU, and is simply an effort to further delay this case. Dr. Van Brocklin's deposition, noticed for July 29, should proceed as scheduled.

Parties' Availability

The parties are available for a call with the Board on Friday, July 24, from 9-10 am, 11 am-1 pm, and 4-5 pm ET.

Sincerely,

Lauren Katzeff

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