

From: [Kristi Sawert](#)
To: [Modi, Naveen](#)
Cc: [Michael Kane](#); [Casey Kraning](#)
Subject: [EXT] RE: PGR2025-00076
Date: Monday, November 17, 2025 2:46:10 PM

-- External Email --

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Thanks, Naveen. Please send.

Kristi L. R. Sawert, Ph.D.

Principal | Fish & Richardson P.C.

M: 202.352.8090 | sawert@fr.com

From: Modi, Naveen <naveenmodi@paulhastings.com>
Sent: Monday, November 17, 2025 2:41 PM
To: Kristi Sawert <sawert@fr.com>
Cc: Michael Kane <kane@fr.com>; Casey Kraning <Kraning@fr.com>
Subject: RE: PGR2025-00076

Thanks Kristi. We added a sentence to our position. It is highlighted below. We assume you have no changes to your position, but please let us know as we plan to send this out today.

We do plan to send to the trials alias and the director alias you pointed out in your email.

Many thanks,
Naveen

From: Kristi Sawert <sawert@fr.com>
Sent: Monday, November 17, 2025 1:12 PM
To: Modi, Naveen <naveenmodi@paulhastings.com>
Cc: Michael Kane <kane@fr.com>; Casey Kraning <Kraning@fr.com>
Subject: [EXT] RE: PGR2025-00076

Hi Naveen,
I have added Patent Owner's response at the end of the email. With this addition and without any change to the remainder of the email, we approve to send to the Board. To avoid any doubt, we do not agree to any changes to the email before sending. Also, please confirm that you are sending the email to the Director (director_DI@USPTO.gov), given that there are no longer any pre-institution panels.

GILGAMESH EXHIBIT 1018

Gilgamesh Pharmaceuticals, Inc. v. Enveric Boisciences Canada, Inc.

Thanks,
Kristi

Kristi L. R. Sawert, Ph.D.
Principal | Fish & Richardson P.C.

M: 202.352.8090 | sawert@fr.com

From: Modi, Naveen <naveenmodi@paulhastings.com>
Sent: Monday, November 17, 2025 10:07 AM
To: Kristi Sawert <sawert@fr.com>
Cc: Michael Kane <kane@fr.com>; Casey Kraning <kraning@fr.com>
Subject: RE: PGR2025-00076

Thanks Kristi. Please see below. Please provide us with your position so we can send to the Board today.

Many thanks,
Naveen

+++++ Email to the Board +++++

Dear Honorable Director Squires and the Honorable Board,

Petitioner in PGR2025-00076 respectfully requests leave to withdraw the Petition. As in the Board's recent decision in *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-01081, Paper 10 (Oct. 17, 2025), the Board has not yet decided the merits of the Petition. Rather, as in *iRhythm*, Patent Owner has filed a Discretionary Denial request but otherwise no substantive papers have been filed.

Petitioner first reached out to Patent Owner regarding this request on November 4. On November 10, Patent Owner indicated it needed more time to consider Petitioner's request. On November 13, Patent Owner inquired whether Petitioner would stipulate that Petitioner and any RPIs would never file any other petition against the patent at issue (U.S. Patent No. 12,138,276). On November 14, Petitioner indicated that it would not enter into such a broad stipulation, but confirmed that it did "not currently have any plans to file another petition." On November 17 (today), Patent Owner indicated that it would oppose Petitioner's request "[b]ecause Petitioner/RPIs will not stipulate." Petitioner respectfully submits that such a stipulation was not required in *iRhythm*, nor should be required here particularly given the circumstances surrounding Petitioner recently becoming a wholly owned subsidiary of Warka Intermediate LLC, which is in turn a wholly owned subsidiary of AbbVie Inc. See Paper 8. **In addition, Petitioner disagrees with Patent Owner's characterizations and arguments below.**

Patent Owner requested to add the following position to this email:

Patent Owner strongly opposes Petitioner's request to withdraw the Petition. First, Patent Owner has already expended significant funds and resources defending the '276 patent

against the Petition. Patent Owner filed its Request for Discretionary Denial (which is a substantive paper) on October 24. Patent Owner is also currently preparing its Patent Owner Preliminary Response, which is due for filing next week. Petitioner recently named AbbVie—a large, multibillion-dollar biopharmaceutical company—as a RPI. Patent Owner, in contrast, is a micro entity that simply cannot afford multiple attacks on the '276 patent. It would be manifestly unfair for such a well-resourced Petitioner to withdraw the current Petition while retaining the right to file another petition at some unknown date in the future, presumably correcting the significant and pervasive mistakes in the original petition that Patent Owner highlighted in its Request for Discretionary Denial and effectively giving Petitioner two bites at the apple, as Petitioner has refused to stipulate that it will not file a subsequent IPR petition.

Second, the Board's decision in *iRhythm* (IPR2025-01081, Paper 10) should not dictate the correct procedure here. That decision is not precedential and was issued by three APJs who had been paneled under the March 26, 2025 Interim Director Discretionary Process. That process has been superseded by the Director's October 17, 2025 memo. Accordingly, Patent Owner respectfully requests that the Director decide institution according to the October 17, 2025 memo. At minimum, Patent Owner requests that the Director require Petitioner to file a brief in support of a motion to withdraw and permit Patent Owner a response.

Respectfully,

From: Kristi Sawert <sawert@fr.com>
Sent: Monday, November 17, 2025 8:45 AM
To: Modi, Naveen <naveenmodi@paulhastings.com>
Cc: Michael Kane <kane@fr.com>; Casey Kraning <kraning@fr.com>
Subject: [EXT] RE: PGR2025-00076

Hi Naveen,
Because Petitioner/RPIs will not stipulate, Patent Owner opposes Petitioner's Request. Please send me the email you plan to send to the Board so that I can add Patent Owner's response.
Thanks,
Kristi

Kristi L. R. Sawert, Ph.D.
Principal | Fish & Richardson P.C.

M: 202.352.8090 | sawert@fr.com

From: Modi, Naveen <naveenmodi@paulhastings.com>
Sent: Friday, November 14, 2025 7:48 PM
To: Kristi Sawert <sawert@fr.com>

Cc: Michael Kane <kane@fr.com>; Casey Kraning <Kraning@fr.com>

Subject: RE: PGR2025-00076

Kristi,

We cannot agree to Enveric's proposed stipulation. Having said that, we can confirm that we do not currently have any plans to file another petition. Given this, we hope Enveric will not oppose. But either way, please provide us with Enveric's position as we would like to email the Board on Monday.

Many thanks,

Naveen

Naveen Modi
Global Co-Chair of IP & Partner
Paul Hastings LLP
(202) 551-1990

From: Kristi Sawert <sawert@fr.com>

Sent: Thursday, November 13, 2025 5:30 PM

To: Modi, Naveen <naveenmodi@paulhastings.com>

Cc: Michael Kane <kane@fr.com>; Casey Kraning <Kraning@fr.com>

Subject: [EXT] RE: PGR2025-00076

Hi Naveen,

Regarding Petitioner's request to withdraw its Petition, will Petitioner and its RPIs stipulate that they will not file any other petition against USP 12,138,276 if Patent Owner agrees to withdrawal? Please let me know so that Patent Owner can provide its responsive position to the Board.

Thank you,

Kristi

Kristi L. R. Sawert, Ph.D.

Principal | Fish & Richardson P.C.

M: 202.352.8090 | sawert@fr.com

From: Modi, Naveen <naveenmodi@paulhastings.com>

Sent: Thursday, November 13, 2025 10:32 AM

To: Kristi Sawert <sawert@fr.com>

Cc: Michael Kane <kane@fr.com>; Casey Kraning <Kraning@fr.com>

Subject: RE: PGR2025-00076

[This email originated outside of F&R.]

Kristi,

I wanted to follow up and see if you have heard back from your client. We intend to move forward with emailing the Board to proceed with our request to withdraw the PGR. As I pointed out on our call, such withdrawal is consistent with Board precedent. See *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-01081, Paper 10 (Oct. 17, 2025).

Given we reached out to you on November 4th, we intend to contact the Board tomorrow with the email below. Please let us know if you have a position.

Many thanks,
Naveen

+++++ Email to the Board +++++

Dear Honorable Director Squires and the Honorable Board,

Petitioner in PGR2025-00076 respectfully requests leave to withdraw the Petition. As in the Board's very recent decision in *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-01081, Paper 10 (Oct. 17, 2025), the Board has not yet decided the merits of the Petition. Rather, as in *iRhythm*, Patent Owner has filed a Discretionary Denial request but otherwise no substantive papers have been filed.

Petitioner first reached out to Patent Owner regarding this request on November 4. Petitioner has not yet received Patent Owner's position. In view of the upcoming deadlines for Patent Owner's Preliminary Response and Petitioner's Opposition to Patent Owner's Discretionary Denial request, Petitioner is proceeding to submit this request.

Respectfully,

Naveen Modi
Global Co-Chair of IP & Partner
Paul Hastings LLP
(202) 551-1990

From: Kristi Sawert <sawert@fr.com>
Sent: Monday, November 10, 2025 3:30 PM
To: Modi, Naveen <naveenmodi@paulhastings.com>
Cc: Michael Kane <kane@fr.com>; Casey Kraning <Kraning@fr.com>
Subject: [EXT] PGR2025-00076

Hi Naveen,

Thank you for your phone call last week about a motion to withdraw the petition. I have reached out to Enveric, but the decision makers are traveling internationally. I should get some clarity next week and hope to get back to you as soon as possible.

In the meantime, I look forward to seeing you later this week at the roundtable.

Thanks,

Kristi

Kristi L. R. Sawert, Ph.D.

Principal | Fish & Richardson P.C.

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