

From: [Director Discretionary Decision](#)
To: [Modi, Naveen](#); [Director Discretionary Decision](#)
Cc: [PH-Ascendis-BioMarin-PGR](#); [PTAB Account](#); [Eric Steffe](#); [David H. Holman](#); [Prati Khanduri](#); [Olga A. Partington](#)
Subject: RE: PGR2026-00013: Request for 1-page Reply
Date: Wednesday, March 11, 2026 11:57:32 AM

Patent Owner may file a 1-page reply in PGR2026-00013, due no later than Thursday, March 12, 2026, limited to addressing the matters raised below. Petitioner is authorized a 1-page sur-reply, due no later than Friday, March 13, 2026.

From: Modi, Naveen <naveenmodi@paulhastings.com>
Sent: Tuesday, March 10, 2026 1:44 PM
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Subject: PGR2026-00013: Request for 1-page Reply

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Honorable Director Squires,

Patent Owner seeks leave to file a 1-page reply to Petitioner's Opposition (Paper 8) limited to addressing why discretionary denial is appropriate based on Petitioner's claim construction position. In its request for discretionary denial (Paper 6), Patent Owner argued that Petitioner has taken materially different positions in this PGR compared to the co-pending U.S. International Trade Commission ("ITC") investigation No. 337-TA-1447 ("ITC investigation"). Petitioner's Opposition disagrees with Patent Owner's argument.

Patent Owner would like to bring to the Director's attention Petitioner's claim construction briefs in the ITC investigation that became public **after** Patent Owner filed its request for discretionary denial on February 3, 2026. In one of those briefs, Petitioner argues that "[t]he term 'CNP variant' does not have a plain or established meaning in the art" such that "[i]t is important to determine what exactly a 'CNP variant' is" That contention is highly relevant to Petitioner's argument in its Opposition that the "Petition applies [] ordinary and customary meaning" for "CNP variant." (Paper 8, 5-6.)

Patent Owner is able to file its 1-page reply within a day of the Director authorizing the briefing and does not oppose a commensurate 1-page sur-reply by Petitioner.

Petitioner's Statement: Petitioner opposes Patent Owner's request for additional briefing on discretionary denial. Patent Owner has not shown good cause for additional briefing. The ITC claim construction brief Patent Owner references, which concerns a patent unrelated to the one challenged in this PGR, is cumulative with Patent Owner's ITC-related evidence previously submitted with its Brief Requesting Discretionary Denial. See e.g., Paper 6 at 3-7; EX2006, AppxA at 1; EX2018, 17-20. To the extent the Director authorizes Patent Owner's request to file a 1-page reply, Petitioner respectfully requests authorization to file a sur-reply of equal length.

Patent Owner appreciates the Director's attention to this matter.

Sincerely,

Naveen Modi
Counsel for Patent Owner

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