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Subject: Albaugh, LLC v. BASF SE, PGR2026-00026 (Pat. No. 12,305,206)
Date: Wednesday, September 30, 2026 1:11:01 PM
Attachments: [image001.png](#)

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Your Honors,

Patent Owner respectfully requests authorization to file a Motion to Terminate the Proceeding and Vacate the Decision on Institution in the above-captioned PGR. The basis for this motion is Petitioner's failure to identify all real parties in interest in its Petition for Post-Grant Review as required under 35 U.S.C. § 322(a)(2). A company called Albaugh Family Holdings, Inc. ("AFH") was identified by Petitioner's declarant Stuart Feldstein in opposition to Patent Owner's Request for Discretionary Denial. Ex. 1033. Mr. Feldstein later confirmed during cross examination that AFH has the ability to control Albaugh, LLC's filing of and participation in this PGR. As such, it is Patent Owner's position that AFH is a real party-in-interest and Petitioner's failure to name AFH as a real party-in-interest requires termination of the proceeding and vacatur of the institution decision.

Patent Owner has conferred with counsel for Petitioner, who indicated that Patent Owner has mischaracterized Mr. Feldstein's cross-examination testimony and opposes Patent Owner's request. Should the Board wish to hold a conference call, the parties are available on the following dates/times:

- Thursday, October 1 (available 11am-3 pm ET)
- Friday, October 2 (available 3pm-5pm ET)
- Tuesday October 6 (available 9am-5pm ET)

Respectfully submitted,

Matias Ferrario

Lead Counsel for Patent Owner



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