

From: [Trials](#)
To: [Kristi Sawert](#); [Mills, Jad](#); [Hostetler, Michael](#); [Potter, Garrett](#); [Rosato, Michael](#); [Robert Oakes](#)
Cc: [Trials](#)
Subject: RE: PGR2026-00059, -00060, -00061 Request for Preliminary Replies
Date: Thursday, October 8, 2026 12:25:18 PM
Attachments: [image001.png](#)

Counsel,

Petitioner is authorized to file a 3-page preliminary reply in each of PGR2026-00059, PGR2026-00060, and PGR2026-00061, due no later than October 14, 2026, limited to addressing the issues raised in Petitioner's email below. Patent Owner is authorized to file a 3-page preliminary sur-reply in IPR2026-00263, due no later than October 19, 2026, limited to addressing the same issues.

The parties should file their briefs as papers in P-TACTS. The parties are not authorized to file any evidence at this time.

Regards,

Andrew Kellogg

Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
U.S. Patent and Trademark Office

UNITED STATES
PATENT AND TRADEMARK OFFICE



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From: Kristi Sawert <sawert@fr.com>
Sent: Friday, October 2, 2026 2:56 PM
To: Trials <Trials@USPTO.GOV>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Director_DI <Director_DI@uspto.gov>
Cc: Mills, Jad <jmills@wsgr.com>; Hostetler, Michael <mhostetler@wsgr.com>; Potter, Garrett <gpotter@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Robert Oakes <RMO@FR.com>
Subject: PGR2026-00059, -00060, -00061 Request for Preliminary Replies

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Honorable Board:

Petitioner respectfully requests authorization to file short preliminary replies to address arguments raised in the POPRs for PGR2026-00059, -00060, and -00061. Petitioner believes that good cause exists for permitting the proposed replies and that the additional briefing will assist the Board in ruling on the pending petitions. Petitioner could not reasonably foresee that Patent Owner would rely on an original claim (that does not recite crinecerfont) to allege that the specification adequately describes crinecerfont. Petitioner also wishes to address Patent Owner's reliance on pre-*Ariad* case law for the proposition that original claims are always "self-describing," especially where, as here, the art was unpredictable and a POSA would not have understood the named inventors to have possessed a method for treating a rare and poorly understood disease like ovarian adrenal rest tumors (OARTs).

Petitioner has conferred with Patent Owner who opposes Petitioner's request. Patent Owner's position is as follows:

Patent Owner respectfully opposes. Petitioner's argumentative email mischaracterizes the POPR argument. The POPR cited both pre and post *Ariad* caselaw to support the non-controversial position that the "Federal Circuit has long recognized that originally-filed claims must be considered in the written description analysis." PGR2026-00059, Paper 9 (POPR), 5-6; see also PGR2026-00060, Paper 7 (POPR), 5; PGR2026-00061, Paper 7 (POPR), 7. Petitioner cannot credibly assert surprise that its 112 grounds would be criticized for ignoring portions of the original specification.

Petitioner respectfully requests authorization to file five-page preliminary replies due within one week of authorization. Petitioner does not oppose authorization for Patent Owner to file sur-replies of equal length due one week after Petitioner's preliminary replies. The parties are available at the Board's convenience should the Board desire a call with the parties in connection with this request.

Respectfully submitted,
Kristi Sawert

Kristi L. R. Sawert, Ph.D.
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