

From: [Ferenc, Christopher B.](#)
To: [Trials](#)
Cc: [Schwarz, Christina](#); [Kallas, Nicholas N.](#); [Clark, Shannon K.](#); [Fishwick, Laura K.](#); [Sodikoff, Brian](#)
Subject: IPR2020-01263
Date: Monday, November 30, 2020 4:05:22 PM

Your Honors,

I am lead counsel for Petitioner, Biocon Pharma Limited (“Biocon”), in IPR2020-01263. Biocon requests authorization to file a short 3 page Reply limited to the 325(d) issues raised in the POPR. Even when a Petitioner has preliminarily dealt with 325(d) in its opening Petition, after the Patent Owner has crystalized its 325(d) arguments in its POPR, and as the Board has done in other IPRs, the Petitioner is granted leave to respond. See IPR2020-00040 (Paper 1 at 66 (preliminarily dealing with 325(d)); Paper 11) and IPR2019-00400 (Paper 3 at 64 (preliminarily dealing with 325(d)); Papers 12 & 15). Biocon has no objection to Patent Owner receiving a 3 page Sur-Reply in response. Patent Owner objects to Biocon’s request, as Biocon has not established good cause, as required by 37 C.F.R. § 42.108(c), and replies are not automatically granted absent such a showing. See, e.g., IPR2017-01982, Paper 9 at 2; IPR2017-01526, Paper 9 at 4. Moreover, Biocon had the opportunity to and did address 35 U.S.C. § 325(d) in its Petition.

Counsel for the parties are available this week for a telephone conference with the PTAB (if necessary) at the following times (Eastern):

December 3: 10 a.m. – 4 p.m.

December 4: 10 a.m. – 4 p.m.

Regards,

Chris Ferenc

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