

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PFIZER INC.,  
Petitioner,

v.

UNIQUE BIOPHARMA B.V.,  
Patent Owner.

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IPR2021-00925 (Patent 9,982,248 B2)  
IPR2021-00926 (Patent 9,982,248 B2)  
IPR2021-00928 (Patent 10,465,180 B2)<sup>1</sup>

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Before ERICA A. FRANKLIN, ROBERT A. POLLOCK, and  
JULIA HEANEY, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*

ORDER

Granting Petitioner's Unopposed Motion for Supplemental Information  
*37 C.F.R § 42.123(a)*

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<sup>1</sup> These cases are not consolidated and the parties may not use this style of heading absent express authorization. We refer herein to papers filed in IPR2021-00925 as a matter of convenience. Corresponding papers are filed in each of the above-cited cases.

IPR2021-00925 (Patent 9,982,248 B2)  
IPR2021-00926 (Patent 9,982,248 B2)  
IPR2021-00928 (Patent 10,465,180 B2)

On December 21, 2021, we authorized Petitioner to file a motion to submit supplemental information. Ex. 3001. Petitioner filed its motion on January 6, 2021. Paper 23 (“Motion” or “Mot.”). Petitioner states that Patent Owner does not oppose the motion. *Id.* at 1.

Petitioner moves to submit a Corrected Declaration of James L. Mullins, Ph.D. (Ex. 1061). *Id.* Petitioner explains that the Corrected Declaration addresses typographical errors on pages 26, 28, 73, 122, 131, Appendix B-5 beginning on page 171, pages 202–208, Appendix C-12 beginning on page 250, and pages 1267–1285. *Id.* at 2–3. Petitioner further seeks to update Dr. Mullin’s curriculum vitae, address, and signature date. *Id.* at 3. Petitioner has filed a copy of its proposed supplemental information as Proposed Corrected Exhibit 1061. *Id.* at 1.

As the moving party, Petitioner bears the burden of proving that it is entitled to the requested relief. 37 C.F.R. § 42.20(c). A party may file a motion to submit supplemental information if authorization is requested within one month of the date the trial is instituted and the supplemental information is “relevant to a claim for which the trial has been instituted.” 37 C.F.R. § 42.123(a). This rule, however, does not require us to accept all supplemental information, even if timely submitted and relevant. *Redline Detection, LLC v. Star Envirotech, Inc.*, 811 F.3d 435, 445 (Fed. Cir. 2015). “The guiding principle for the [Board] in making any determination is to ‘ensure efficient administration of the Office and the ability of the Office to complete IPR proceedings in a timely manner.’” *Id.* Acceptance of supplemental information is “construed within the overarching context of the [Board’s] regulations governing IPR and general trial proceedings.

IPR2021-00925 (Patent 9,982,248 B2)  
IPR2021-00926 (Patent 9,982,248 B2)  
IPR2021-00928 (Patent 10,465,180 B2)

Additionally, the [Board] has discretion to grant or deny motions as it sees fit.” *Id.* at 446–47 (citing 37 C.F.R. § 42.5(a), (b)).

We instituted trial in each proceeding on November 17, 2021. Paper 13. Petitioner requested authorization to file the Motion in an e-mail request to the Board on December 17, 2021. Ex. 3001. Under the circumstances, Petitioner’s request is timely.

According to Petitioner, the Corrected Declaration is “relevant to a claim for which the trial has been instituted” because it reinforces the prior art status of Manno and Schuettrumpf.” Mot. 4. Petitioner further asserts that “[t]he Corrected Declaration merely fixes typographical errors and properly incorporates appendices that the Patent Owner already possessed[.]. . . does not ‘change the grounds of unpatentability authorized in this proceeding, nor . . . the evidence initially presented in the Petition to support those grounds of unpatentability.’” *Id.* at 5 (citing *Palo Alto Networks, Inc. v. Juniper Networks, Inc.*, IPR2013-00369, Paper 37 at 3 (PTAB Feb. 5, 2014)). Petitioner further asserts that the granting of this motion would not prejudice Patent Owner as evidenced by its decision not to object to this motion. *Id.*

In view of the above, we find that submission of the Corrected Declaration would contribute to “efficient administration of the Office and the ability of the Office to complete IPR proceedings in a timely manner.” *Redline Detection*, 811 F.3d at 445.

Accordingly, it is

ORDERED that Petitioner’s Motion for Supplemental Information is *granted*.

IPR2021-00925 (Patent 9,982,248 B2)  
IPR2021-00926 (Patent 9,982,248 B2)  
IPR2021-00928 (Patent 10,465,180 B2)

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