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**From:** Sommers, Erin [<mailto:Erin.Sommers@finnegan.com>]  
**Sent:** Friday, October 07, 2016 6:49 PM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** [jim@carmichaelip.com](mailto:jim@carmichaelip.com); Carol Spiegel <[carol@carmichaelip.com](mailto:carol@carmichaelip.com)>; Flibbert, Michael <[michael.flibbert@finnegan.com](mailto:michael.flibbert@finnegan.com)>; Queler, Maureen <[Maureen.Queler@finnegan.com](mailto:Maureen.Queler@finnegan.com)>  
**Subject:** RE: IPR2015-01993 Request for Call with the Board

Dear Mr. Kellogg,

In response to your inquiry, Patent Owner seeks to file a motion to strike certain portions of Petitioner's Reply to Biogen's Opposition (Paper 46) filed September 28, 2016, and certain portions of Dr. Pleasure's declaration (Ex. 1045). These papers raise a new obviousness theory, i.e., the "point dose" theory, which is an improper reply. Rule 42.23(b). Patent Owner therefore seeks a call with the Board to request authorization to file a short motion to strike as the Board has previously authorized. *E.g., Maxlinear, Inc. v. Crest Tech. Corp.*, IPR2015-00594, Paper 48 at 2 (PTAB Mar. 18, 2016); *Volkswagen Grp. of Am., Inc. v. Emerachem Holdings, LLC*, IPR2014-01555, Paper 36 at 5-7 (PTAB Oct. 9, 2015). Alternatively, Patent Owner requests a call to obtain the Board's guidance on how to address the improper reply arguments and evidence.

Please let me know if the Board would like additional information.

Sincerely,  
Erin M. Sommers  
Reg. No. 60,974  
Back-up Counsel for Patent Owner

**Erin M. Sommers**  
Associate

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
+ 202 408 4292 | fax: + 202 408 4400 | [erin.sommers@finnegan.com](mailto:erin.sommers@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

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# FINNEGAN

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**From:** Trials [<mailto:Trials@USPTO.GOV>]  
**Sent:** Friday, October 07, 2016 3:34 PM  
**To:** Sommers, Erin; Trials  
**Cc:** [jim@carmichaelip.com](mailto:jim@carmichaelip.com); Carol Spiegel; Flibbert, Michael; Queler, Maureen  
**Subject:** RE: IPR2015-01993 Request for Call with the Board

Counsel,

Can you please be more detailed about the papers you wish to file?

Thanks,

Andrew Kellogg,

Supervisory Paralegal  
Patent Trial and Appeal Board  
USPTO  
[andrew.kellogg@uspto.gov](mailto:andrew.kellogg@uspto.gov)  
Direct: 571-272-5366

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**From:** Sommers, Erin [<mailto:Erin.Sommers@finnegan.com>]  
**Sent:** Friday, October 07, 2016 9:53 AM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** [jim@carmichaelip.com](mailto:jim@carmichaelip.com); Carol Spiegel <[carol@carmichaelip.com](mailto:carol@carmichaelip.com)>; Flibbert, Michael <[michael.flibbert@finnegan.com](mailto:michael.flibbert@finnegan.com)>; Queler, Maureen <[Maureen.Queler@finnegan.com](mailto:Maureen.Queler@finnegan.com)>  
**Subject:** IPR2015-01993 Request for Call with the Board

Dear PTAB,

I write on behalf of Patent Owner to request a conference call with the Board, during which Patent Owner plans to seek authorization to file a motion to strike Petitioner's new "point dose" obviousness arguments and evidence as an improper reply under Rule 42.23(b).

Patent Owner and Petitioner met and conferred and no resolution was reached. Both parties are generally available on Wednesday, October 12.

Sincerely,  
Erin M. Sommers  
Reg. No. 60,974  
Back-up Counsel for Patent Owner

**Erin M. Sommers**  
Associate

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
+ 202 408 4292 | fax: + 202 408 4400 | [erin.sommers@finnegan.com](mailto:erin.sommers@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

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