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Subject: IPR2017-00190

Your Honors,

I am counsel for Petitioner Argentum Pharmaceuticals (“Argentum”) in IPR2017-00190. Argentum requests authorization to file a Sur-Reply to Kaken’s Reply ISO the Joint Motion to Terminate, filed yesterday in the above-captioned proceeding.

Good cause exists for filing a sur-reply in this instance because in its Reply, Kaken makes a number of factually inaccurate statements that Argentum would like to correct so that the Board has a complete and accurate record before ruling on the Motion to Terminate. In particular, Argentum would like to correct the record as to the following statements in Kaken’s Reply:

1. “Argentum played no role in the underlying IPR proceeding” Reply at 1.
2. “Argentum has no stake in this game” Reply at 1.
3. “Argentum’s discussion of *ARRIS* also makes it clear how it expects to move forward in this proceeding—by doing absolutely nothing.” Reply at 2. And relatedly: “Argentum wants to remain silent, do no work, deny Patent Owner an opportunity to supplement the record, and have the Board expend its resources to decide patentability on the record before it.” Reply at 3.

Further, good cause exists because the Motion at issue is dispositive and would potentially unilaterally terminate the IPR proceeding merely at the request of Patent Owner over the objections of a remaining Petitioner. Because these statements are factually inaccurate, Argentum could not have expected or foreseen that Kaken would make such statements in its Reply.

Argentum asks for just one week to file its Sur-Reply (to be filed by Monday, August 10, 2020), which it notes is still 2.5 weeks before Kaken’s original deadline to file its Reply to Argentum’s Opposition.

Best regards,
Teresa Stanek Rea

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EX. 3003

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