

From: [Sommers, Erin](#)
To: [Trials](#)
Cc: kirk.bradley@alston.com; EXT-shri.abhyankar@alston.com; chris.mcardle@alston.com; [Raich, William](#); [Holt, Cora](#); [Ochiana, Stefan](#)
Subject: Sandoz Inc. v. Pharmacyclics LLC, IPR2019-00865
Date: Tuesday, May 12, 2020 3:00:03 PM

Sandoz Inc. v. Pharmacyclics LLC
IPR2019-00865

Dear Honorable Board,

Patent Owner seeks authorization to file a motion to strike improper new arguments included in Petitioner's Reply Brief pursuant to 37 C.F.R. § 42.23(b) as the Board has previously authorized. *E.g.*, *Qiagen North American Holdings, Inc. v. Handylab, Inc.*, IPR2019-0488, Paper 37 at 2 (PTAB Feb. 13, 2020). Specifically, Patent Owner seeks to strike the following two new arguments:

1. Section III.B of the Reply argues for the first time that the '085 Publication explicitly discloses the steroid-dependent/refractory patient subpopulations claimed in claims 4, 13, and 15 (and claims depending therefrom); and
2. Section III.C.1 of the Reply argues for the first time that the '085 Publication explicitly discloses the patient treatment outcomes of claims 6-8, 29-31, 44-46, and 51-53.

Petitioner opposes. If the Board believes a teleconference would be helpful, Patent Owner and Petitioner are available between 1-4 PM on Thursday, May 14 and Friday, May 15.

Respectfully,

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

Erin M. Sommers

Partner

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

901 New York Avenue, NW, Washington, DC 20001-4413

+1 202 408 4292 | fax +1 202 408 4400 | erin.sommers@finnegan.com | www.finnegan.com

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

EX. 3001