

**From:** [Trials](#)  
**To:** [Gupta, Vishal](#); [Trials](#)  
**Cc:** [SJ Deutetrabenazine IPR](#); [Teva-Austedo](#)  
**Subject:** RE: IPR2021-01507 (Apotex Inc. et al. v. Auspex Pharmaceuticals, Inc.)  
**Date:** Tuesday, December 28, 2021 9:36:53 AM

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Counsel: Further to Mr. Gupta's email below, dated December 23, 2021, the panel authorizes the parties' joint request for additional briefing, which may be helpful to the Board in reaching a just result in this proceeding. As proposed by the parties, Petitioner's five-page Reply, limited to the three issues identified in Mr. Gupta's email, is due January 7, 2022, and Patent Owner's five-page Sur-reply is due January 18, 2022. The Board will file a copy of this email authorization as Exhibit 3001.

Regards,

Andrew Kellogg,  
Supervisory Paralegal  
Patent Trial and Appeal Board  
USPTO  
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**From:** Gupta, Vishal <[vgupta@Steptoe.com](mailto:vgupta@Steptoe.com)>  
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**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** SJ Deutetrabenazine IPR <[SJDeutetrabenazineIPR@Steptoe.com](mailto:SJDeutetrabenazineIPR@Steptoe.com)>; Teva-Austedo <[TevaAustedo@wc.com](mailto:TevaAustedo@wc.com)>  
**Subject:** IPR2021-01507 (Apotex Inc. et al. v. Auspex Pharmaceuticals, Inc.)

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Dear Patent Trial and Appeal Board,

I write on behalf of Petitioners to respectfully request leave to file a short 5-page reply to Patent Owner's Preliminary Response ("POPR"). The reply is requested to address POPR Sections IV.A and IV.B (related to § 325(d)), IV.C (related to an allegation of extortion) and V.D.2 (related to certain secondary considerations).

Patent Owner agrees to Petitioners' reply request and requests a short 5-page sur-reply. Petitioners agree to Patent Owner's sur-reply request.

To the extent that the Board is amenable to the foregoing requests, the Parties respectfully propose that the reply be due on 1/7 and the sur-reply be due on 1/18.

We appreciate the Board's attention to this matter and happy holidays.

Respectfully submitted,

Vishal Gupta  
Lead Counsel for Petitioners

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