

From: [Gabric, Ralph](#)
To: [Trials](#)
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Subject: PGR2020-00068
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Attachments: [image001.png](#)

Trials,

Petitioner Eton requests a conference call with the panel to seek authorization to file a brief reply, no more than 6 pages, to Patent Owner Exela's Preliminary Response. Good cause supports Eton's request at least for the reasons below, which Eton will explain to the panel in more detail during the conference call:

- * Eton's particularity challenge is unexpected and incorrect. Grounds 1-2 of Eton's petition rely on the four corners of the Sandoz Label as invalidating prior art.
- * Exela's assertions regarding the prior art should be considered in view of the Examiner's July 23, 2020 rejections in related, co-pending application nos. 16/773,641 and 16/746,028 (the rejections occurred after the filing of Eton's petition) and the materials that provide the relevant context for those rejections.
- * Exela's assertions that the Petition fails to explain "how a POSITA applying 'routine optimization' would have achieved" the claimed invention (POPR at 8) and fails to explain "why a POSITA would have a reasonable expectation of success" solving the aluminum problem (POPR at 9).

Patent Owner has indicated that it will oppose Petitioner's request.

The parties are generally available on Monday October 5 and Friday morning October 9 for a call.

Kind regards.



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