

**From:** [Director Discretionary Decision](#)  
**To:** [Christopher Gallo](#); [Trials](#)  
**Cc:** [Eldora L. Ellison](#); [Olga A. Partington](#); [Christina Dashe](#); [Kushan, Jeffrey P.](#); [Katzeff, Lauren](#); [Bhatla, Amit](#)  
**Subject:** RE: IPR2025-00808  
**Date:** Friday, May 2, 2025 12:41:02 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Counsel –

The joint request is granted. That parties should notify the Director Discretionary Decision mailbox once a decision on discretion is issued in PGR2025-00012.

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**From:** Christopher Gallo <CGALLO@sternekessler.com>  
**Sent:** Tuesday, April 29, 2025 5:01 PM  
**To:** Trials <Trials@USPTO.GOV>; Director\_Discretionary\_Decision <Director\_Discretionary\_Decision@uspto.gov>  
**Cc:** Eldora L. Ellison <EELLISON@sternekessler.com>; Olga A. Partington <OPARTINGTON@sternekessler.com>; Christina Dashe <CDashe@sternekessler.com>; Kushan, Jeffrey P. <jkushan@sidley.com>; Katzeff, Lauren <lkatzeff@sidley.com>; Bhatla, Amit <abhatla@sidley.com>  
**Subject:** IPR2025-00808

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**IPR2025-00808**  
**USPN 11,938,201**

Dear Honorable Board and Director,

The above-captioned IPR involves U.S. Patent No. 11,938,201, which is also currently the subject of PGR2025-00012. The petitions filed in the above-captioned IPR and PGR2025-00012 both challenge all of the same claims of the '201 patent. Given the pending decision on institution in PGR2025-00012, Patent Owner and Petitioner believe there is good cause to jointly request that the Director and Board stay all deadlines in IPR2025-00808, pursuant to the following conditions:

1. If PGR2025-00012 is denied:
  - a. The due date in IPR2025-00808 for Patent Owner to file a brief pursuant to the Acting Director's Interim Processes for PTAB Workload Management would be deferred to August 29, 2025;

- b. The due date in IPR2025-00808 for Petitioner's response pursuant to the Acting Director's Interim Processes for PTAB Workload Management brief would be deferred to September 29, 2025; and
  - c. The due date in IPR2025-00808 for Patent Owner's Preliminary Response would be deferred to September 29, 2025;
2. In the event that the Board institutes post-grant review in PGR2025-00012, all deadlines in IPR2025-00808 would remain stayed and within 5 business days of such institution, the Parties will jointly request that the Board terminate IPR2025-00808 without prejudice to Petitioner filing a petition concerning U.S. Patent No. 11,938,201 at a date subsequent to termination of PGR2025-00012, subject to all applicable laws and regulations.

Should the Director and the Board believe that the parties' request here should be made via a motion, Patent Owner and Petitioner request authorization to file such a joint motion.

If needed, Patent Owner and Petitioner can be available for a conference call at the following dates and times:

- Thursday, May 1, from 9 am – 2 pm
- Friday, May 2, from 9 am – 12:30 pm and 3:30-5 pm
- Monday, May 5, from 9 am – 10 am

Respectfully,  
Christopher Gallo  
Back-Up Counsel for Patent Owner



**Christopher Gallo, Ph.D.** (he/him)  
Director  
**Sterne, Kessler, Goldstein & Fox P.L.L.C.**  
1101 K Street, NW, 10th Floor, Washington, DC  
20005

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