

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XENCOR, INC.,

Petitioner

v.

MERUS N.V.,

Patent Owner

IPR2025-00605
Patent No. 11,926,859

**PATENT OWNER'S MOTION TO SUBMIT SUPPLEMENTAL
INFORMATION**

I. INTRODUCTION

Patent Owner hereby submits its unopposed motion to file supplemental information in support of Patent Owner's Response pursuant to 37 C.F.R. § 42.223(a) and in accordance with the Board's October 28, 2025 email authorizing Patent Owner to file the present motion. *See* EX3001. Specifically, the Board authorized Patent Owner to file, no later than the date of Patent Owner's Response: (1) a second declaration by Dr. Sutton addressing the statements in the Institution Decision relating to independent claims and dependent claims (EX2019); and (2) scientific papers supporting the supplemental declaration (EX2016).¹

As explained fully in the Second Declaration of Brian J. Sutton, Ph.D. (EX2019), and in the Patent Owner's Response, supplemental information Exhibits 2016 and 2019, as described below, are relevant to the deficiencies in Petitioner's assertions against the Challenged Claims of U.S. Patent No. 11,926,859 ("the '859 Patent") for which trial has been instituted.

- EX2016 provides Matthews, *Studies On Protein Stability With T4 Lysozyme*. *Adv Protein Chem.* 1995;46:249-78 ("Matthews"). Matthews is also Exhibit 4001 from the cross-examination of Dr. Leonard G. Presta, Ph.D. on

¹Although authorized by the Board, Patent Owner will not be moving to submit a supplemental declaration by an additional expert.

December 5, 2025.

- EX2019 provides the Second Declaration of Brian J. Sutton, Ph.D.

II. REMARKS

The Board instituted *Inter Partes* Review on September 26, 2025. Paper 13. Patent Owner requested authorization to file this motion on October 27, 2025 within one month of the September 26, 2025, institution date. *See* EX3001. Further, this motion is timely as it is being filed no later than the January 9, 2026 due date of Patent Owner's Response. Accordingly, this motion is timely under 37 C.F.R. § 42.223(a). Petitioner does not oppose this motion.

This motion satisfies the requirements of § 42.223(b) because the supplemental information is directly relevant to the Challenged Claims of the '859 Patent for which trial has been instituted. Allowing Patent Owner to file Exhibits 2016 and 2019 as supplemental information will not prejudice Petitioner or disrupt the efficient progress of this proceeding.

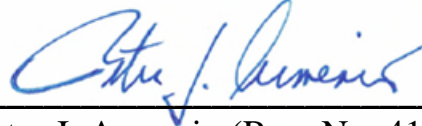
III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests permission to submit Exhibit 2016 and Exhibit 2019 as supplemental information.

IPR2025-00605 (Patent No. 11,926,859)
Patent Owner's Motion To
Submit Supplemental Information

Dated: January 9, 2026

Respectfully submitted,



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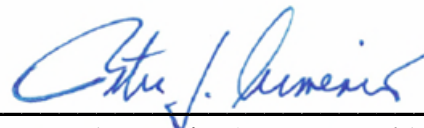
Counsel for Patent Owner Merus N.V.

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a true and correct copy of the foregoing: **PATENT OWNER'S MOTION TO SUBMIT SUPPLEMENTAL INFORMATION** was served by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as via electronic mail on January 9, 2026, in its entirety on the following:

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