

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTAS PHARMACEUTICALS LTD.,
Petitioner,

v.

ATOSSA THERAPEUTICS, INC,
Patent Owner.

IPR2025-00799 (Patent 11,261,151 B2)
PGR2025-00043 (Patent 12,071,391 B2)¹

Before SHERIDAN K. SNEDDEN and JAMIE T. WISZ,
Administrative Patent Judges.

SNEDDEN, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This order addresses issues that are common to both cases. We, therefore, exercise our discretion and issue a single order that has been entered in each case. The parties may use this style caption when filing a single paper in multiple proceedings, provided that such caption includes a footnote attesting that “the identical paper is filed in each proceeding identified in the caption.”

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In an email sent to the Board on December 12, 2025, counsel for Petitioner requested permission to amend its mandatory notices to add Jina Pharmaceuticals as a real party-in-interest (“RPI”) to these proceeding and Patent Owner requested a conference call to seek guidance as to the affect that amendment would have on Patent Owner’s outstanding motions for additional discovery. *See* IPR2025-00799, Paper 21; PGR2025-00043, Paper 20. The relevant portion of the email reads as follows:

Petitioner requests leave to file a motion to amend the mandatory disclosures to add Jina Pharmaceuticals as an RPI. Patent Owner Atossa Therapeutics, Inc. requests a call with the Board for guidance regarding this request and its interrelationship with its motion for discovery. Based on Petitioner’s representation that it would reserve the right to dispute RPI at the time of the filing even if the mandatory disclosures are filed, Patent Owner does not believe amending the mandatory notices would moot its discovery motions. To the extent the Board finds the mandatory notices do moot the RPI dispute, Patent Owner requests permission to file a motion to terminate based on Petitioner not naming Jina as an RPI in its petitions. Petitioner opposes this request.

A conference call was held on December 19, 2025, among respective counsel for Petitioner and Patent Owner, and Judges Snedden, Kennedy, and Wisz. During the call, we discussed whether Petitioner may properly update its mandatory notices to add Jina Pharmaceuticals as an RPI under the circumstance of these proceedings. We discussed also the parties’ respective positions as to whether adding Jina Pharmaceuticals as an RPI would moot Patent Owner’s motions for additional discovery seeking information related to Patent Owner’s position that Jina Pharmaceuticals is an RPI in these proceedings, an issue raised in Petitioner’s opposition to Patent Owner’s

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discovery motions. *See* IPR2025-00799, Paper 22; PGR2025-00043, Paper 21.

Upon consideration of the parties' respective positions, we grant Patent Owner an opportunity to file a sur-reply to Petitioner's Opposition to Patent Owner's Motion for Discovery (IPR2025-00799, Paper 22; PGR2025-00043, Paper 21) limited to the issue of whether Petitioner may properly update its mandatory notices to add Jina Pharmaceuticals as an RPI under the circumstance of these proceedings. We also grant Petitioner a sur-sur-reply.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner is authorized to file a sur-reply to Petitioner's Opposition to Patent Owner's Motion for Discovery, limited to 10 pages and due January 5, 2026; and

FURTHER ORDERED that Petitioner is authorized to file a sur-sur-reply to Patent Owner's sur-reply, limited to 10 pages and due January 12, 2026.

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