

From: [Director Discretionary Decision](#)
To: [Jesse Salen](#); [Director Discretionary Decision](#)
Cc: [LegalTM-Caltech-IPR](#); [BioRad-Chromacode](#); [Martin Bader](#); [Jaime Choi](#); [Eric Gill](#); [Walter, Derek C.](#); [mwjohnson@jonesday.com](#); [Reines, Edward](#)
Subject: FW: Bio-Rad Laboratories, Inc. v. California Institute of Technology IPR2024-01546
Date: Monday, January 5, 2026 2:11:57 PM

Patent Owner is authorized to file a 3-page reply in IPR2025-01546, due no later than Wednesday, January 7, 2026, limited to addressing the arguments raised below. Petitioner is authorized a 3-page sur-reply, due no later than Friday, January 9, 2025.

From: Jesse Salen <JSalen@sheppardmullin.com>
Sent: Monday, January 5, 2026 12:21 PM
To: Trials <Trials@USPTO.GOV>
Cc: LegalTM-Caltech-IPR <LegalTM-Caltech-IPR@sheppardmullin.com>; BioRad-Chromacode <BioRad-Chromacode@jonesday.com>; Martin Bader <MBader@sheppardmullin.com>; Jaime Choi <JChoi@sheppardmullin.com>; Eric Gill <EGill@sheppardmullin.com>; Walter, Derek C. <dwalter@jonesday.com>; mwjohnson@jonesday.com; Reines, Edward <ereines@jonesday.com>
Subject: Bio-Rad Laboratories, Inc. v. California Institute of Technology IPR2024-01546

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Dear Board,

Patent Owner Caltech seeks authorization to file a five-page reply to Petitioner's opposition to discretionary denial. Patent Owner's reply will address Petitioner's arguments regarding whether a stay of the parallel litigation is likely and how this affects discretionary denial (if at all), given that Petitioner has not indicated it would move for a stay and the court has not indicated it would likely grant one. Petitioner has indicated it opposes Patent Owner's request.

Petitioner respectfully opposes Patent Owner's request for yet additional briefing on discretionary denial considerations and disagrees with its characterizations above for the reasons stated in its denial brief on discretionary denial. Patent Owner contends more briefing is needed to "address Petitioner's arguments regarding whether a stay of the parallel litigation is likely and how this affects discretionary denial (if at all)." The parties, however, already addressed this at length in the 40-pages of previously submitted briefing, and the Director is in possession of the full record. Neither in this email nor in meet and confer has Patent Owner ever identified anything new or unexpected that would truly justify additional briefing.

To the extent Patent Owner is permitted additional briefing, Petitioner respectfully requests that it be permitted to submit a five-page sur-reply. Patent Owner has stated in meet and confer that it does not oppose this contingent request.

Should the Director wish to discuss further, the parties can be available on Wednesday January 7.

Respectfully,
Jesse A. Salen
Counsel for Patent Owner

Derek Walter
Counsel for Petitioner

Jesse A. Salen | Partner
+1 858-720-8964 | direct
+1 619-869-5192 | cell
JSalen@sheppardmullin.com | [Bio](#)

SheppardMullin
12275 El Camino Real, Suite 100
San Diego, CA 92130-4092
+1 858-720-8900 | main
www.sheppardmullin.com | [LinkedIn](#)

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.