

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

10X GENOMICS, INC,
Petitioner,

v.

BRUKER SPATIAL BIOLOGY, INC.
Patent Owner.

IPR2023-01298
Patent 11,377,689 B2

GRANT OF GOOD CAUSE EXTENSION
35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)

Pursuant to 35 U.S.C. § 316(a)(11), “the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months” The Director has delegated the authority to extend the one-year period to the Chief Administrative Patent

Judge. *See* 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides:

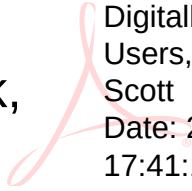
An *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be extended by up to six months for good cause by the Chief Administrative Patent Judge

In accordance with 37 C.F.R. § 42.100(c), the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision, currently set for February 1, 2025, in this proceeding.

An *inter partes* review was instituted in the present proceeding on February 1, 2024, and a Scheduling Order was entered the same day, setting due dates for the parties to take action in the proceeding. Papers 14, 15. Five days later, on February 6, 2024, Nanostring Technologies, Inc. (“Nanostring”), the entity originally identified as the owner of U.S. Patent No. 11,377,689 B2 challenged in this proceeding, filed a Notice of Bankruptcy Filing. *See* Papers 4, 16. The Board suspended the due dates set forth in the Scheduling Order the proceeding in view of the bankruptcy proceedings. Paper 23. On July 15, 2024, an Unopposed Motion to Substitute Party was filed by Bruker Spatial Biology, Inc., seeking to substitute itself as Patent Owner, explaining that the bankruptcy court had approved an agreed order to sell certain of Nanostring’s property, including the patent challenged in this proceeding, to Bruker Corporation, which subsequently assigned its rights and obligations in the patent to Bruker Spatial Biology, Inc. Paper 25. The Board granted the Motion to Substitute Party on July 30, 2024. Paper 28. Under the unique circumstances of this

case and in view of the limited time remaining in the one-year period for issuing a Final Written Decision due to the suspension of the due dates pending the former Patent Owner's bankruptcy proceedings, the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision in this proceeding.

**Users,
Boalick,
Scott**



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Scott
Date: 2024.08.19
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Scott R. Boalick
Chief Administrative Patent Judge

IPR2023-01298
Patent 11,377,689 B2

FOR PETITIONER:

David H. Holman
Pratibha Khanduri
Robert Greene Sterne
Gaby L. Longworth
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
dholman-ptab@sternekessler.com
pkhanduri-ptab@sternekessler.com
rsterne-ptab@sternekessler.com
glongs-ptab@sternekessler.com

FOR PATENT OWNER:

Derek C. Walter
Christopher M. Pepe
WEIL, GOTSHAL & MANGES LLP
derek.walter@weil.com
christopher.pepe@weil.com