Trials@uspto.gov
571-272-7822

Paper 15
Entered: March 22, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

10X GENOMICS, INC.,
Petitioner,

v.

NANOSTRING TECHNOLOGIES, INC.,
Patent Owner.

IPR2023-01298 (Patent 11,377,689 B2)
IPR2023-01300 (Patent 11,473,142 B2)[1]

Before SUSAN L. C. MITCHELL, DEVON ZASTROW NEWMAN, and JAMIE T. WISZ, *Administrative Patent Judges.*

NEWMAN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
Suspending Deadlines Due to Bankruptcy Stay
37 C.F.R. § 42.5

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[1] This Order addresses issues common to both cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

Background

Petitioner filed a Petition for *inter partes* review in IPR2023-01298 on August 16, 2023. IPR2023-01298, Paper 2. Trial was instituted on February 1, 2024. *Id.*, Paper 14.

Petitioner filed a Petition for *inter partes* review in IPR2023-01300 on September 25, 2023. IPR2023-01300, Paper 2. We have not yet issued a decision whether to institute in IPR2023-01300.

On February 4, 2024, Patent Owner filed a petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court"). *See* IPR2023-01298, Paper 16, 1; IPR2023-01300, Paper 8, 1.

In IPR2023-01300, Patent Owner was authorized to file a sur-reply opposing institution of *inter partes* review on or before February 9, 2023 (Ex. 3001), but had not yet filed the brief when bankruptcy proceedings commenced. Patent Owner's deadline for filing the sur-reply was ultimately extended until March 25, 2025. IPR2023-01300, Ex. 3003.

On March 14, 2024, the Bankruptcy Court issued an Order Confirming, Restating and Enforcing the Protections of Section 362 of the Bankruptcy Code with respect to *Inter Partes* Review Proceedings. IPR2023-01298, Ex. 2003; IPR2023-01300, Ex. 2004. The order states that actions stayed by Patent Owner's commencement of Chapter 11 cases "include, but are not limited to, IPR2023-1098[2] and IPR2023-1300 (the '10x IPR Proceedings')." The Order also states that "[n]o exception to the automatic stay applies to the 10x IPR Proceedings." *Id.* at 2.

[2] We understand this IPR number to be a typographical error and to refer to IPR2023-1298.

In view of the foregoing, it is

ORDERED that all deadlines in IPR2023-01298 are suspended and that IPR2023-01298 is stayed until Chapter 11 proceedings in the Bankruptcy Court and any related appeals conclude or until the Board receives notice that the Bankruptcy Court has lifted the stay with respect to IPR2023-01298;

ORDERED that all deadlines in IPR2023-01300 are suspended and that IPR2023-01300 is stayed until Chapter 11 proceedings in the Bankruptcy Court and any related appeals conclude or until the Board receives notice that the Bankruptcy Court has lifted the stay with respect to IPR2023-01300;

FURTHER ORDERED that Patent Owner shall provide the Board with a status report on the bankruptcy proceedings by email to Trials@uspto.gov every thirty (30) days hereafter until ordered otherwise in these proceedings; and

FURTHER ORDERED that Petitioner shall file as exhibits in these proceedings any filings in the Bankruptcy Court related to whether relief is granted from the bankruptcy stay for either IPR2023-01298 or IPR2023-01300 or that otherwise relate to or address IPR2023-01298 or IPR2023-01300. Petitioner shall make such filings in these proceedings no more than five (5) business days after the filings are made, or the opinions or orders are entered, in the Bankruptcy Court.

FOR PETITIONER:

David H. Holman
Pratibha Khanduri
Robert Greene Sterne
Gaby L. Longsworth
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