

From: [Trials](#)
To: [Walter, Derek](#); [Trials](#)
Cc: [srieger@foley.com](#); [Gaby Longsworth](#); [Rob Sterne](#); [Prati Khanduri](#); [Rodrigues, Ruben J.](#); [Nanostring 10X](#)
Subject: NanoString v. Harvard, IPR2024-00526 – requests for authorization to update mandatory notices and file motion to substitute
Date: Tuesday, July 16, 2024 8:26:37 AM

Counsel,

From the Board –

Petitioner’s request for authorization to file a motion to substitute Bruker Spatial Biology as the petitioner is granted. The motion shall be filed no later than 7 calendar days from the date of this email.

A revised notice is required to be filed within 21 days of a change of information in the mandatory notices, including change in the identities of the real parties-in-interest. Consolidated Trial Practice Guide 12; 37 C.F.R. § 42.8(a)(3). To the extent the change in the identities of real parties-in-interest occurred within the last 21 days, no authorization is needed for Petitioner to file its updated mandatory notices. To the extent the change in the identities of real parties-in-interest occurred more than 21 days ago, we grant Petitioner’s request for authorization to file updated mandatory notices pursuant to 37 C.F.R. § 42.5 (c)(3) (allowing Board discretion to excuse late action where consideration on the merits would be in the interests of justice). Petitioner’s updated mandatory notices shall be filed within 21 days of the change in the identities of the real parties in interest or within 7 calendar days from the date of this email, whichever is later.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Walter, Derek <Derek.Walter@weil.com>
Sent: Friday, July 12, 2024 2:41 PM
To: Trials <Trials@USPTO.GOV>
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Subject: RE: NanoString v. Harvard, IPR2024-00526 - request to file reply to preliminary response

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Dear Board:

Petitioner requests authorization to make two filings in the above-captioned IPR. These filings are necessitated by the fact that, since the filing of the petition, the original petitioner in this proceeding (NanoString) has gone through chapter 11 bankruptcy proceedings, pursuant to which substantially all of Petitioner's assets were assigned to Bruker Corporation ("Bruker"). Subsequently, Bruker assigned its rights and obligations under the associated Asset Purchase Agreement to Bruker Spatial Biology, Inc. The relevant facts related to this are set forth in Petitioner's July 1, 2024 reply to the preliminary response. *See* Paper No. 9 at 1-2. Petitioner thus requests the following:

1. Authorization to update its mandatory notices to identify the appropriate new real parties in interest.
2. Authorization to file a motion to substitute Bruker Spatial Biology as the petitioner.

Patent Owner does not oppose these requests. Petitioner further notes that a different panel of the Board has previously authorized the same filings in IPR2023-01298, where NanoString was the original Patent Owner.

Thanks,

Derek