

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CURIO BIOSCIENCE, INC.,
Petitioner,

v.

PROGNOSYS BIOSCIENCES INC.,
Patent Owner.

IPR2024-01289
Patent 10,480,022 B2

Before MICHAEL J. FITZPATRICK, ANNETTE R. REIMERS, and
SHERIDAN K. SNEDDEN, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

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

By email dated April 15, 2025, Patent Owner requests authorization to file a response to Petitioner's Request for Rehearing (Paper 11). The relevant portion of the email reads as follows:

Patent Owner respectfully requests a Reply to address the arguments made in Petitioner's Request for Rehearing filed in IPR2024-01289 on April 9, 2025. Patent Owner proposes a length of 15 pages (equal to the number of pages in the Request for Rehearing), due two weeks after the Board's approval.

Good cause exists for Patent Owner to file a Reply. Patent Owner believes that a Reply will assist the Board in ruling on the Request for Rehearing. For example, Patent Owner requests the opportunity to point out and respond to new arguments Petitioner makes in the Rehearing Request (such as new arguments about claim construction, the combination of Cantor and Armani, and the co-pending district-court litigation not made in the Petition). Patent Owner also requests the opportunity to respond to Petitioner's misapprehension of the Board's "errors"—which are not, in fact, errors.

Patent Owner met and conferred with Petitioner, and Petitioner indicated that it disagrees with the purported basis for Patent Owner's proposed reply and does not believe that the requested page limit is commensurate with the scope of the proposed reply. However, Petitioner does not object to such a filing if the Board determines it to be helpful.

We agree a response from Patent Owner may be helpful in deciding Petitioner's Request for Rehearing.

Accordingly, it is

ORDERED that Patent Owner is authorized to file a response to Petitioner's Request for Rehearing limited to issues raised in Petitioner's Request for Rehearing (Paper 11), and due no later than May 2, 2025; and

FURTHER ORDERED that the response shall not exceed fifteen pages and no further testimony or evidence shall be submitted.

For PETITIONER:

Andrew Krause
akrause@irell.com

For PATENT OWNER:

Anita Meiklejohn
meiklejohn@fr.com

Michael Kane
kane@fr.com

Katie Hyma
hyma@fr.com

Tiffany Reiter
reiter@fr.com