

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUVEI TECHNOLOGIES, INC.,
Petitioner,

v.

AUTOSCRIBE CORPORATION,
Patent Owner.

IPR2025-00089
Patent 11,620,621 B2

Before ST. JOHN COURTENAY III, MICHAEL R. ZECHER, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

The purpose of this Order is to notify the parties of the recently issued memorandum from the Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the U.S. Patent and Trademark Office (“the Acting Director”) titled “Interim Processes for [Patent Trial and Appeal Board (“PTAB”)] Workload Management” (Mar. 26, 2025), *available at* <https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf>. This memorandum states that, “[u]nder this interim procedure, the [Acting] Director, in consultation with at least three PTAB judges, will determine whether discretionary denial of institution is appropriate.” Interim Processes for PTAB Workload Management at 1. If the Acting Director determines that discretionary denial is not appropriate, the above-captioned panel “will then handle the case in the normal course including by issuing a decision on institution addressing the merits and other non-discretionary statutory considerations.” *Id.*

Later, this memorandum states that “[t]he processes described herein will be implemented in [*inter partes* review] and [post-grant review] proceedings where the deadline for the patent owner to file a preliminary response has not yet passed. In that situation, if the time for filing discretionary denial briefing as described herein has already elapsed, the patent owner may submit discretionary denial briefing within one month of the date of this memorandum.” Interim Processes for PTAB Workload Management at 2.

When the Acting Director’s memorandum issued on March 26th, 2025, the time for filing a patent owner preliminary response in this proceeding had not yet passed. On April 14th, 2025, Patent Owner,

Autoscribe Corporation (“Autoscribe”), filed its Patent Owner Preliminary Response that included several arguments directed to discretionary denial. Paper 8 at 15–35. In accordance with the Acting Director’s recently issued memorandum, the merits panel will not consider these discretionary denial arguments. If Autoscribe desires the Acting Director to consider the discretionary denial arguments that were presented and developed in the Patent Owner Preliminary Response, Autoscribe must comply with the instructions set forth in the Acting Director’s recently issued memorandum by filing a separate discretionary denial brief no later than Monday, April 28th, 2025. If Autoscribe should avail itself of this bifurcated procedure, Petitioner, Nuvei Technologies, Inc., should consult the Acting Director’s memorandum for further guidance on how to respond.

The parties are hereby

ORDERED to review the Acting Director’s recently issued memorandum for guidance on how to submit discretionary denial arguments for consideration.

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For PETITIONER

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