

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

GLOBUS MEDICAL, INC.,
Petitioner,

v.

SPINELOGIK, INC.,
Patent Owner.

IPR2025-00225 (Patent 9,730,805 B1)
IPR2025-00226 (Patent 8,460,385 B1)

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION
Denying Patent Owner's Request for Discretionary Denial

Spinelogik, Inc. (“Patent Owner”) filed a request for discretionary denial of institution (Paper 6, “DD Req.”) in the above-captioned cases, and Globus Medical, Inc. (“Petitioner”) filed an opposition (Paper 7, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the district court has stayed its proceeding pending a decision on a motion to transfer venue, and there has been relatively little investment in the proceeding. Patent Owner argues that it has settled expectations because “the claims of the . . . Patent have been in force for almost 8 years.” DD Req. 11–12. Petitioner, on the other hand, persuasively argues that the challenged patent expired almost four years ago due to non-payment of maintenance fees, and, accordingly, it expected non-enforcement of the challenged patent. DD Opp. 32. As such, based on Petitioner’s arguments, discretionary denial is not appropriate.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition filed in each of the above-captioned cases is referred to the Board to handle in the normal course, including by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

¹ Citations are to papers in IPR2025-00225. The parties filed similar papers in IPR2025-00226.

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In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *denied*;

FURTHER ORDERED that the Petitions are referred to the Board;
and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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