

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

CHARLES RIVER LABORATORIES, INC.,
Petitioner,

v.

SEIKAGAKU CORPORATION,
Patent Owner.

IPR2025-00440 (Patent 11,236,318 B2)
PGR2025-00023 (Patent 11,959,109 B2)

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

DECISION
Referring the Petitions to the Board

Seikagaku Corporation (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned cases, and Charles River Laboratories, Inc. (“Petitioner”) filed an opposition (Paper 8, “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, Patent Owner and Petitioner are not engaged in a parallel litigation. Furthermore, the challenged patent issued on February 1, 2022, and Petitioner filed its Petition on January 16, 2025. DD Opp. 14.² Accordingly, Petitioner challenges the patent early in the life of the patent. Early challenges favor robust, predictable patent rights and weigh against discretionary denial. Additionally, Petitioner provides persuasive reasoning, supported by evidence, that discretionary denial under 35 U.S.C. § 325(d) is not appropriate. *See id.* at 22–39.

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 Petitions are referred to the Board to handle the cases 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 IPR2025-00440. The parties filed similar papers in PGR2025-00023.

² In PGR2025-00023, the challenged patent issued on April 16, 2024, and Petitioner filed its Petition on January 15, 2025. PGR2025-00023, Paper 8, 38; Paper 3, 1.

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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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