

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

GATOR BIO, INC.,
Petitioner,

v.

SARTORIUS BIOANALYTICAL INSTRUMENTS, INC.,
Patent Owner.

IPR2025-00633
Patent 8,647,588 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
Denying Institution of *Inter Partes* Review

Sartorius Bioanalytical Instruments, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned case, and Gator Bio Inc. (“Petitioner”) filed an opposition (Paper 8, “DD Opp.”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the challenged patent has been in force for over 11 years, creating strong settled expectations for Patent Owner. In addition, two inventors of the challenged patent are founders of Petitioner, and one of these inventors is named as a real party-in-interest in this proceeding. Ex. 2001; Ex. 1001; Paper 2, 80. It is not an appropriate use of Office resources where inventors applied for and were issued a patent but now advocate for its unpatentability. *See Tessell, Inc. v. Nutanix, Inc.*, IPR2025-00322, Paper 14 at 2 (Director June 12, 2025).

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner’s request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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FOR PETITIONER:

Hariharan Santhanam
James Valentine
Evan Day
PERKINS COIE LLP
santhanam-ptab@perkinscoie.com
valentine-ptab@perkinscoie.com
day-ptab@perkinscoie.com

FOR PATENT OWNER:

Dipu Doshi
Jonathan England
Mark Mashack
BLANK ROME LLP
dipu.doshi@blankrome.com
jonathan.england@blankrome.com
mark.mashack@blankrome.com