

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

C4 THERAPEUTICS, INC.
Petitioner,

v.

FOGHORN THERAPEUTICS, INC.,
Patent Owner.

PGR2024-00005
Patent 11,560,381 B1

Before ULRIKE W. JENKS, ZHENYU YANG, and JAMIE T. WISZ,
Administrative Patent Judges.

WISZ, *Administrative Patent Judge.*

DECISION

Denying Institution of Post-Grant Review
Due to Disclaimer of All Challenged Claims
35 U.S.C. § 324; 37 C.F.R. § 42.207(e)

I. INTRODUCTION

On October 23, 2023, C4 Therapeutics, Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting a post-grant review of claims 1–12 of U.S. Patent No. 11,560,381 B1 (“the ’381 patent”). Foghorn Therapeutics, Inc. (“Patent Owner”) notified the Board, by email dated January 18, 2024, that it had filed a statutory disclaimer disclaiming all of the claims of the ’381 patent. *See* Ex. 3001. Patent Owner also filed a copy of the statutory disclaimer in this proceeding. *See* Ex. 2001. In the email, Patent Owner requested that the Board deny institution to terminate the present proceeding in view of the statutory disclaimer of all claims of the ’381 patent. *See* Ex. 3001.

Patent Owner has disclaimed all claims of the ’381 patent and paid the requisite fees. *See* Ex. 2001; *see also* 37 C.F.R. § 1.321 (setting forth requirements for statutory disclaimer). Accordingly, we deny institution of the requested post-grant review. *See* 37 C.F.R. § 42.207(e) (“No post-grant review will be instituted based on disclaimed claims.”); *see also General Elec. Co. v. United Techs. Corp.*, IPR2017-00491, Paper 9 (PTAB July 6, 2017) (precedential) (denying institution of *inter partes* review under analogous rule 37 C.F.R. § 42.107(e) based on disclaimer) (“*General Electric*”). In the present instance, and consistent with Rule 42.207(e) and the Board’s precedential *General Electric* decision, we determine that a denial of institution is sufficient to dispose of this case. *See also Kymera Therapeutics, Inc. v. Dana-Farber Cancer Institute, Inc.*, PGR2021-00115, Paper 13 at 3 (PTAB March 2, 2022) (denying institution based upon disclaimer of all claims of the challenged patent); *Celltrion Inc. v. Regeneron Pharmaceuticals Inc.*, PGR2021-00117, Paper 16 at 3 (PTAB

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March 15, 2022) (denying institution based on disclaimer of all claims).
Because the Board cannot institute trial on disclaimed claims and all the
challenged claims have been disclaimed here, no post-grant review will be
instituted.

II. ORDER

It is therefore:

ORDERED that the Petition is *denied* and no post-grant review is
instituted.

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