

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KELONIA THERAPEUTICS, INC.,
Petitioner,

v.

INTERIUS BIOTHERAPEUTICS, INC.,
Patent Owner.

PGR2024-00008
Patent 11,767,366 B1

Before SHERIDAN K. SNEDDEN, SUSAN L. C. MITCHELL, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

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

In email correspondence sent to the Board on March 13, 2024, Petitioner requested authorization to file a reply to Patent Owner's Preliminary Response (Paper 6). The relevant portion of the email reads as follows:

Patent Owner Interius filed a preliminary response in the above-identified PGR on February 21, 2024. (Paper No. 6.) In the preliminary response, Interius argued for a discretionary denial based on § 325(d). Petitioner Kelonia seeks leave from the Board to submit a 3-page reply limited to addressing Interius' discretionary denial arguments. (See, e.g., Paper No. 6 at 7-15.) Petitioner is able to file the reply within 5 business days of the Board authorizing the reply.

The parties have conferred and Patent Owner Interius does not oppose Petitioner's request as long as it receives a 3-page sur-reply to Petitioner's reply due within 5 business days of Petitioner's reply. Petitioner does not oppose Patent Owner receiving a 3-page sur-reply.

Upon consideration of the Petitioner's request, we authorize Petitioner to file, by no later than March 22, 2024, a 3-page reply to Patent Owner's Preliminary Response limited to addressing Patent Owner's discretionary denial arguments. Patent Owner is authorized to file, by no later than March 29, 2024, a 3-page sur-reply. The parties are not authorized to enter new evidence.

It is

SO ORDERED.

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