

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CATALYST ORTHOSCIENCE INC.,
Petitioner,

v.

SHOULDER INNOVATIONS, INC.,
Patent Owner.

PGR2025-00001
Patent 12,023,254 B1

Before JAMES A. TARTAL, JAMES A. WORTH, and LISA L. TSANG,
Administrative Patent Judges.

TARTAL, *Administrative Patent Judge.*

DECISION
Denying Institution of Post-Grant Review
35 U.S.C. § 324

I. INTRODUCTION

Catalyst OrthoScience Inc. (“Petitioner”)¹ filed a Petition seeking post-grant review of claims 1–22 (“the Challenged Claims”) of U.S. Patent No. 12,023,254 B1 (Ex. 1001, “the ’254 patent”). Paper 1 (“Pet”). Shoulder Innovations, Inc. (“Patent Owner”)² filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

We have authority to determine whether to institute a post-grant review. *See* 35 U.S.C. § 324 (2018); 37 C.F.R. § 42.4(a) (2022). Under 35 U.S.C. § 324, a post-grant review may be instituted only if “the information presented in the petition . . . demonstrate[s] that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable” or if there is a showing that the petition “raises a novel or unsettled legal question that is important to other patents or patent applications.” *See* 35 U.S.C. § 324(a), (b). However, institution of post-grant review is discretionary. Upon considering the arguments and evidence, we exercise our discretion to deny institution of post-grant review under 35 U.S.C. § 324 in view of the co-pending district court litigation concerning the ’254 patent.

II. BACKGROUND

A. *The ’254 Patent*

The ’254 patent, titled “Total Reverse Shoulder Systems and Methods,” describes a reverse shoulder replacement prosthesis. Ex. 1001, code (54). The ’254 patent explains that, with a “reverse” prosthesis, as compared to an “anatomic” prosthesis, the natural anatomy of the shoulder

¹ Petitioner identifies no additional real parties-in-interest. Pet. 1.

² Patent Owner identifies no additional real parties-in-interest. Paper 5, 1.

joint is reversed so “that [a] metallic [articular] ball is rigidly fixed to the glenoid fossa of the scapula, and [a] concave articular surface is rigidly fixed to the humeral bone, thereby reversing the fashion of articulation of the prosthesis.” *Id.* at 1:35–39, 1:20–22. A surgeon selects between an anatomic prosthesis and a reverse prosthesis after considering patient conditions, including pain and activity levels, degradation of bone, strength of surrounding soft tissue and the rotator cuff muscle and tendon, and any prior surgery. *Id.* at 1:40–46.

Figure 1 of the '254 patent, reproduced below, illustrates components of the total reverse shoulder system. Ex. 1001, 2:47–48.

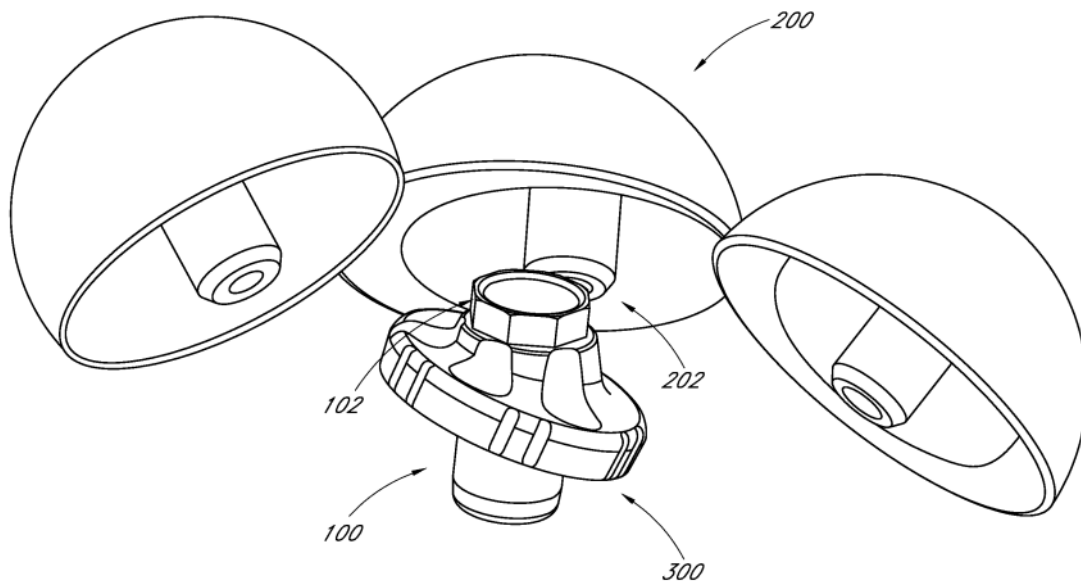


FIG. 1

As shown in Figure 1, the shoulder system includes glenosphere 200 and glenoid baseplate 102 oriented at an angle to elongate stem 100 fit through a central aperture or channel of the baseplate. *Id.* at Fig. 1, 3:39–57.

The glenoid baseplate is configured to be inset into the glenoid of a patient, as shown below in Figure 4. *Id.* at 2:55–56.

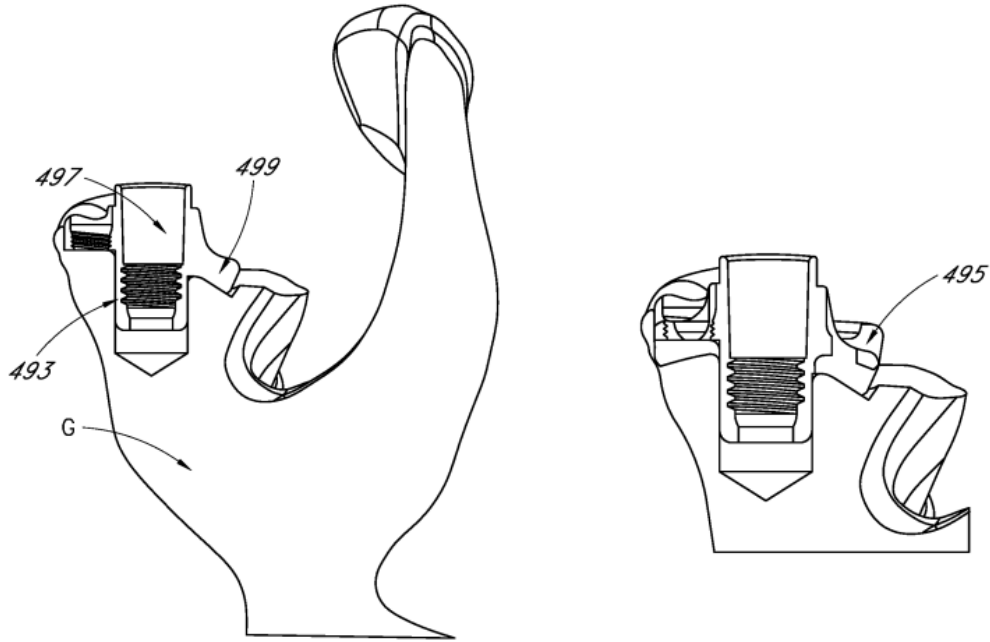


FIG. 4

Figure 4 depicts one view of glenoid G with an inserted baseplate and stem or post 493, and a second, enlarged view of the glenoid with the inserted baseplate. *See id.* at Fig. 4, 4:33–39, 4:48–52. The glenoid baseplate has a concave surface configured to rest within a surface of the glenoid. *Id.* at 4:42–48.

Figure 8 of the '254 patent, reproduced below, illustrates a glenosphere fully assembled to the inset baseplate. Ex. 1001, 6:34–36.

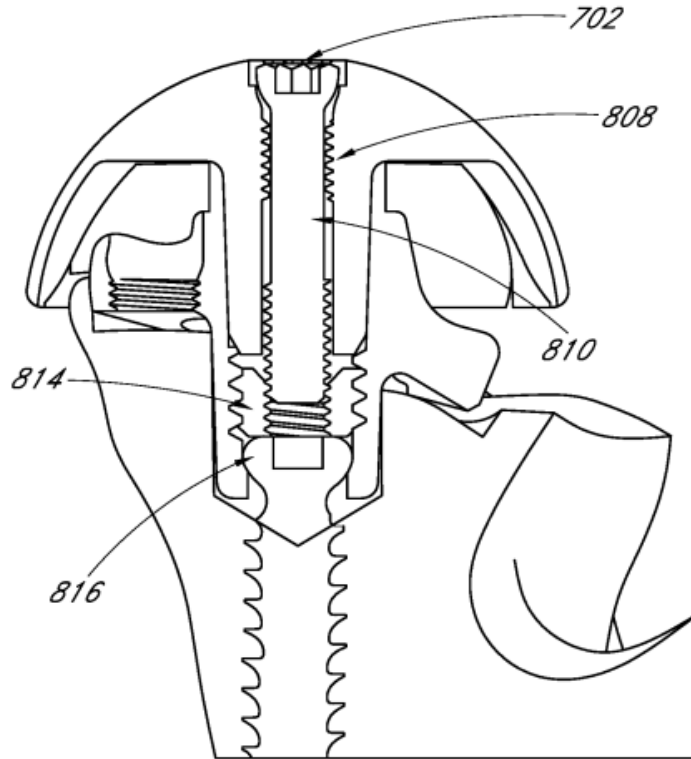


FIG. 8

Figure 8 shows the glenosphere having a central channel extending therethrough with rotational control feature 702 and threaded surface 808 for secondary locking screw 810 “to push and/or rotate with the post of the baseplate.” *Id.* at Fig. 8, 6:36–44. Locking nut 814 is connected to a central channel of the glenoid baseplate and has an end adjacent or directly touching central compression screw 816 that may be configured to angulate with respect to the glenoid baseplate. *Id.* at 6:46–56.

B. Illustrative Claim

Petitioner challenges claims 1–22 of the '254 patent. Pet. 1. Claims 1 and 12 are independent. Claims 2–11 depend from claim 1. Claims 13–22 depend from claim 12. Claim 1 (Ex. 1001, 9:38–62) is illustrative of the claimed subject matter and is reproduced below, with Petitioner's bracketing annotations referencing particular claim 1 limitations. *See* Pet. vii.

1. [1-PRE] A reverse shoulder implant, comprising:
 - [1-1] a baseplate configured to be secured to a glenoid of a scapular bone of patient, [1-2] the baseplate having a lateral end, a medial end, and a baseplate central channel extending through the baseplate from the lateral end to the medial end;
 - [1-3] a central post configured to at least partially pass through the central channel;
 - [1-4] a locking nut having a cylindrical shape, an external thread on an outside surface of the locking nut and an internal thread on an internal surface of the locking nut, [1-5] the locking nut configured to engage the central post when the central post and baseplate are implanted within the medical patient, [1-6] wherein the external thread is configured to couple the locking nut with the baseplate central channel;
 - [1-7] a glenosphere, having a lateral, convex articular side, a medial side, and a glenosphere central channel extending from the convex articular side to the medial side and configured to interface with the baseplate; and,
 - [1-8] a glenosphere screw, sized to pass at least partially within the glenosphere central channel and having external threads sized to secure the glenosphere screw to the internal thread on the internal surface of the locking nut to secure the glenosphere to the locking nut.

C. Asserted Grounds of Unpatentability

Petitioner asserts that the Challenged Claims are unpatentable based on the following grounds:

Claims Challenged	35 U.S.C. §³	Reference(s)/Basis
1–7, 9–18, 20–22	103	Orphanos ⁴ , Hopkins ⁵ , Perego ⁶ , Roche ⁷
8, 19	103	Orphanos, Hopkins, Perego, Roche, Gargac ⁸
1–7, 9–18, 20–22	103	Lefebvre ⁹ , Hopkins, Perego, Orphanos, Roche
8, 19	103	Lefebvre, Hopkins, Perego, Orphanos, Roche, Gargac
1–22	112	Indefiniteness
1–22	112	Indefiniteness

Pet. 3–4. Petitioner relies on the Declaration of T. Wade Fallin, M.S., (Ex. 1002), dated October 11, 2024, to support its challenges.

³ The Leahy-Smith America Invents Act (“AIA”) included revisions to 35 U.S.C. §§ 102, 103 and 112 that became effective on March 16, 2013. We apply the AIA version of §§ 103 and 112 here, because the ’254 patent does not reflect a priority date earlier than the effective date of the AIA. *See* Ex. 1001, codes (22), (60), (63).

⁴ U.S. Patent No. 10,813,769 B2, filed July 24, 2018, issued Oct. 27, 2020 (Ex. 1006, “Orphanos”).

⁵ U.S. Patent App. Pub. No. US 2018/0193074 A1, published July 12, 2018 (Ex. 1019, “Hopkins”).

⁶ U.S. Patent No. 11,596,520 B2, filed Sept. 10, 2018, issued Mar. 7, 2023 (Ex. 1010, “Perego”).

⁷ U.S. Patent No. 9,233,003 B2, filed Mar. 23, 2007, issued Jan. 12, 2016 (Ex. 1007, “Roche”).

⁸ U.S. Patent App. Pub. No. US 2015/0305877 A1, published Oct. 29, 2015 (Ex. 1020, “Gargac”).

⁹ U.S. Patent No. 11,439,513 B2, filed May 28, 2020, issued Sept. 13, 2022 (Ex. 1009, “Lefebvre”).

D. Related Proceedings

Petitioner and Patent Owner state that the '254 patent is related to U.S. Patent No. 11,771,561 (“the '561 patent”). Petitioner indicates that the '254 patent and the '561 patent both claim priority to the same application and the same provisional application. Pet. 1. Both the '254 patent and the '561 patent are at issue in *Shoulder Innovations, Inc. v. Catalyst OrthoScience Inc.*, C.A. No. 24-00266-JPM (D. Del.) (“the Parallel Proceeding”). Pet. 1, Paper 5.

The '561 patent was the subject of a petition for post-grant review filed by Petitioner in PGR2024-00042 (“PGR-042”). According to Petitioner, the claims of the '254 patent challenged in this Petition “are nearly identical” to the claims of the '561 patent challenged in PGR-042, and “[t]he prior art relied on” in this proceeding “significantly overlaps the prior art relied on” in the petition in PGR-042. *Id.* at 2. The Board previously exercised its discretion to deny post grant review of the '561 patent in PGR-042. *Catalyst OrthoScience Inc. v. Shoulder Innovations, Inc.*, PGR2024-00042, Paper 17 (PTAB Dec. 19, 2024).

E. Eligibility for Post-Grant Review

As a threshold matter, Petitioner has the burden of demonstrating eligibility for post-grant review. *See Mylan Pharms. Inc. v. Yeda Res. & Dev. Co.*, PGR2016-00010, Paper 9 at 10 (PTAB Aug. 15, 2016). Petitioner certifies that the '254 patent is eligible for post-grant review. Pet. 3. There are two requirements that must be met for post-grant review to be available, each of which we address below. For the following reasons, we determine that the '254 patent is eligible for post-grant review.

First, “[a] petition for a post-grant review may only be filed not later than the date that is 9 months after the date of the grant of the patent or of the issuance of a reissue patent (as the case may be).” 35 U.S.C. § 321(c). This requirement is met because the ’254 patent issued July 2, 2024 (Ex. 1001, code (45)), and the Petition was accorded a filing date of October 11, 2024 (Paper 4, 1), which is within nine months of the issue date of the ’254 patent.

Second, post-grant review is available only for patents that issue from applications that at one point contained at least one claim with an effective filing date of March 16, 2013, or later. *See* AIA §§ 3(n)(1), 6(f)(2)(A). The ’254 patent issued from U.S. Application No. 18/605,361, filed on March 14, 2024. Ex. 1001, codes (21), (22). The ’254 patent claims the benefit of U.S. Application No. 17/435,333, filed as application No. PCT/US2020/022094 on March 11, 2020, and U.S. Provisional Application No. 62/816,708, filed on March 11, 2019. *Id.* at codes (60), (63), 1:4–13. This requirement is met because the Challenged Claims all have a priority date after March 16, 2013.

III. DISCRETIONARY DENIAL UNDER 35 U.S.C. § 324(a)

Section 324(a) provides that “[t]he Director may not authorize a post-grant review to be instituted unless the Director determines that the information presented in the petition . . . would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” Because Section 324, like Section 314 for *inter partes* review, includes no mandate to institute review, “the agency’s decision to deny a petition is a matter committed to the Patent Office’s discretion.” *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2140 (2016); *cf.*

Harmonic Inc. v. Avid Tech., Inc., 815 F.3d 1356, 1367 (Fed. Cir. 2016) (explaining that under § 314(a), “the PTO is permitted, but never compelled, to institute an IPR proceeding”).

In this proceeding, Patent Owner argues that we should exercise discretion to deny institution under Section 324 because the factors identified in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”), weigh in favor of denying institution. Prelim. Resp. 13–16. *Fintiv* identifies factors to consider when a patent owner raises an argument for discretionary denial due to the advanced state of a parallel proceeding:

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Board’s exercise of discretion, including the merits.

Fintiv 5–6. We consider these factors to assess “whether efficiency, fairness, and the merits support the exercise of authority to deny institution in view of an earlier trial date in the parallel proceeding.” *Id.* at 6. In

evaluating the factors, we take a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review.¹⁰ *Id.*

A. The Fintiv Factors

1. Factor 1: whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted

Petitioner contends that there is “no definitive evidence” that the district court judge in the Parallel Proceeding would grant a stay, but that evidence shows that the district court judge has granted stays in the past. Pet. 103–104 (citing Ex. 1015). Patent Owner argues that this factor favors discretionary denial because Petitioner’s evidence shows that the district court judge has denied 60% of stay motions and has an increased denial rate in the last five years. Prelim. Resp. 14.

On the record before us, neither party has produced evidence that a stay has been requested or that the district court has considered a stay in the Parallel Proceeding. As the Board has explained, “[a] judge determines whether to grant a stay based on the facts of each specific case as presented in the briefs by the parties.” *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15, 12 (PTAB May 13, 2020) (informative) (“*Fintiv IP*”) (stating that the Board declined “to infer, based on actions taken in a different case with different facts, how the District Court would rule should a stay be requested

¹⁰ In considering these factors, we no longer apply the guidance set forth in the memorandum titled “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation” issued on June 21, 2022 by former Director Kathi Vidal of the United States Patent and Trademark Office, because it was rescinded by the United States Patent and Trademark Office on February 28, 2025.

by the parties in the parallel case here”). On the record here, we find that this factor is neutral.

2. *Factor 2: proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision*

Petitioner contends that “based on an amended scheduling order” entered in the Parallel Proceeding, “no trial date is set” and “there is no way to determine whether this [PGR] proceeding, if instituted, would conclude before or after trial” in the Parallel Proceeding. Pet. 104 (citing Ex. 1016). Patent Owner argues that this factor weighs in favor of denial because, while “a PGR if instituted and held to the statutory schedule would conclude on or around April 30, 2026,” trial in the Parallel Proceeding “was originally set for March 9, 2026” and “the judge has since indicated the trial will occur even earlier, in December 2025/January 2026.” Prelim. Resp. 14 (citing Ex. 2009, 14, 17; Ex. 2010, 10, 11¹¹; Ex. 2011; Ex. 2012).

Patent Owner submitted (1) a transcript (Ex. 2010) of a conference between the parties and the district court judge that was held in the Parallel Proceeding on November 22, 2024, to discuss the trial schedule; (2) a Minute Entry (Ex. 2011) of the conference; and (3) an Order Regarding Schedule (Ex. 2012) entered in the Parallel Proceeding on November 25, 2024. The Minute Entry indicates, among other things, that “[t]he Court advanced the jury trial from March 9, 2026 at 9:30 am (ET) to December 1, 2025 at 9:30 am (ET).” Ex. 2011, 1; *see also* Ex. 2010, 11 (trial judge stating, “[w]e’re actually going to adjust [the trial date] to December 1 because this needs to be our expectation of how we’re trying to

¹¹ For Exhibit 2010, we refer to Patent Owner’s annotated page numbering, rather than the transcript’s original page numbering.

proceed”). The Order Regarding Schedule mentions only that “[p]arties and the Court also discussed moving the trial date to January 2026 or perhaps December 2025.” Ex. 2012. The Order also formally reschedules the Claim Construction Hearing date to January 9, 2025. *Id.*

We note, initially, the unresolved nature of the information conveyed during the conference and in the Minute Entry, and in the court’s subsequent Order Regarding Schedule. The present record does not indicate, and neither party argues, that trial in the Parallel Proceeding will be held *after* March 9, 2026, which is before the Board’s projected statutory deadline for a final written decision (April, 2026) should we institute this proceeding. Therefore, we find that factor 2 weighs in favor of exercising our discretion to deny institution because trial in the Parallel Proceeding will likely take place before the Board’s projected statutory deadline for a final written decision, based on the present record.

3. *Factor 3: investment in the parallel proceeding by the court and the parties*

Petitioner contends that neither party has invested significant time and resources in the Parallel Proceeding because “discovery has just begun” and the district court “has yet to issue any rulings on the merits.” Pet. 104. According to Petitioner, “[e]ven at the expected time of institution” of this proceeding, “the Court will not have conducted a *Markman* hearing (scheduled for February 2025) or held a hearing on dispositive motions (scheduled for November 2025), and the parties will likely still be engaged in fact discovery while expert discovery will still be months away.” *Id.* Given that this Decision issues in April 2025, it is unclear why Petitioner

suggested this Decision was “expected” prior to the district court *Markman* hearing scheduled for February 2025.

Patent Owner argues that the parties have invested significant time and resources in the Parallel Proceeding because, by the time of institution, “claim construction proceedings will be over, fact discovery and final infringement contentions will be completed, and the parties will be preparing for a trial just months later.” Prelim. Resp. 14–15 (citing Ex. 2009, 4, 16; Ex. 2011; Ex. 2012). Patent Owner argues this factor weighs in favor of discretionary denial. *Id.*

Based on the present record, we agree with Patent Owner that the parties will have invested substantial time and resources in the Parallel Proceeding by the time of institution—e.g., claim construction hearing, supplementation of identification of accused products and invalidity references, completion of fact discovery, and final infringement contentions. Ex. 2012; Ex. 2009, 16. Because of the significant investment the parties will have made in the Parallel Proceeding by the time of institution, we find that factor 3 weighs in favor of exercising our discretion to deny institution.

4. *Factor 4: overlap between issues raised in the petition and in the parallel proceeding*

Petitioner contends that it “has challenged every claim” of the ’254 patent in the Petition and that estoppel under 35 U.S.C. § 325(e)(2) will bar Petitioner from raising in the Parallel Proceeding “any invalidity argument it did or could have raised in this proceeding.” Pet. 105. Petitioner further contends that “there exists . . . a significant overlap in issues between this proceeding, if instituted, and the” Parallel Proceeding. *Id.* Patent Owner argues that Petitioner concedes there is a significant

overlap between the issues raised in the Petition and the Parallel Proceeding. Prelim. Resp. 15 (citing Pet. 105). Patent Owner further argues that until the time the § 325(e)(2) estoppel bar applies, “Petitioner intends to litigate the same issues before both the Patent Office and the district court.” *Id.*

Although neither party provided evidence of the initial infringement contentions or initial invalidity contentions asserted in the Parallel Proceeding, Petitioner concedes there is a significant overlap in the issues presented here and in the Parallel Proceeding. Moreover, any estoppel under § 325(e)(2) does not apply until after a final written decision and, therefore, would not serve to mitigate concerns of duplicative efforts and inconsistent outcomes here and in district court. *See* 35 U.S.C. § 325(e)(2).

Additionally, as explained above, the ’254 patent and the ’561 patent are both at issue in the Parallel Proceeding, Petitioner states that the claims of the ’254 patent challenged in this proceeding “are nearly identical” to the claims of the ’561 patent, and the Board previously denied post-grant review of the ’561 patent. Pet 2. Thus, there is a significant overlap in the issues presented here and in the Parallel Proceeding. Therefore, we find that this factor weighs in favor of exercising our discretion to deny institution.

5. *Factor 5: whether the petitioner and the defendant in the parallel proceeding are the same party*

Petitioner acknowledges that the parties are the same in both this proceeding and the Parallel Proceeding. Pet. 105. The district court’s Amended Scheduling Order caption names Patent Owner as the plaintiff and Petitioner as the defendant in the Parallel Proceeding. Ex. 1016, 1. Therefore, the record shows that the parties are the same and we find that factor 5 weighs in favor of exercising our discretion to deny institution. *See*

Fintiv II, Paper 15 at 15 (“[b]ecause the petitioner and the defendant in the parallel proceeding are the same party, this factor weighs in favor of discretionary denial”).

6. *Factor 6: other circumstances that impact the Board’s exercise of discretion, including the merits*

The sixth *Fintiv* factor takes into account other circumstances that may bear on the decision to exercise discretion to deny, such as the merits of the patentability challenges. *Fintiv* 14–16. Petitioner does not expressly address factor 6. *See* Pet. 103–105. Patent Owner argues that this factor favors denial of institution because the Petition does not present compelling evidence of unpatentability. Prelim. Resp. 15–16.

Having considered the evidence and arguments presented by both parties, we do not find the merits to be particularly strong on the current record. For example, limitation [1-4] recites, in part, “a locking nut having . . . an external thread on an outside surface of the locking nut.” Ex. 1001, 9:46–47. In alleging obviousness based in part on Orphanos, Petitioner equates the claimed “locking nut” to Orphanos’s collet 230 in a first embodiment of Orphanos, or Orphanos’s collet portion 1052 in a second embodiment of Orphanos. Pet. 37–38. Petitioner acknowledges that the collet and collet portion do not have external threads, but rather are designed to have a snap-fit engagement with the inner sidewall of the baseplate’s central throughbore. *Id.* at 38. Petitioner argues that modifying the collet and collet portion to have external threads would have been obvious to the skilled artisan in view of Orphanos’s teachings and the knowledge of a person having ordinary skill in the art. Pet. 38–42 (arguing, *inter alia*, that it would have been “a substitution of a known part for a

known problem” and “obvious as a matter of design choice”). Petitioner does not allege that replacing the snap-fit coupling with external threads would either: (1) result in any advantages; or (2) preserve any of Orphanos’s stated benefits of its snap-fit arrangement. *See* Pet. 34–37. That Petitioner describes no advantages to making its proposed modification potentially undermines Petitioner’s case that the skilled artisan would have done so. *Cf. Winner Int’l Royalty Corp. v. Wang*, 202 F.3d 1340, 1349 n.8 (Fed. Cir. 2000) (“The fact that the motivating benefit comes at the expense of another benefit . . . should not nullify its use as a basis to modify the disclosure of one reference with the teachings of another. Instead, the benefits, both lost and gained, should be weighed against one another.”).

In another ground alleging obviousness based in part on Lefebvre, Petitioner’s arguments regarding the central post and locking nut include an implicit claim construction argument that these components need not be separate structures. Pet. 74, 76–81. Patent Owner, on the other hand, would have us interpret the claim to require that they be separate structures. Patent Owner raises credible evidence to support its theory. Specifically, Patent Owner directs us to the language of claim 1, which separately recites “a central screw” and “a locking nut.” Prelim. Resp. 51; *see* Ex. 1001, 9:44–53. Patent Owner further contends, in view of the claim language, that the claimed central post and locking nut are separate and distinct components. According to Patent Owner, however, Lefebvre’s main head and anchor rod portions are parts of a single monolithic anchoring screw. Prelim. Resp. 53–58. Where a claim lists elements separately, there is a rebuttable presumption that these elements have separate and distinct physical structures. *See Google LLC v. EcoFactor, Inc.*, 92 F.4th 1049,

1058 (Fed. Cir. 2024) (citing *Powell v. Home Depot U.S.A., Inc.*, 663 F.3d 1221, 1231–1232 (Fed. Cir. 2011)). The presumption may be rebutted by the intrinsic record. *Id.* At this stage, however, Petitioner does not address that claim 1 appears to separately recite a central post and a locking nut, and does not direct us to any portion of the intrinsic record that might rebut the presumption that these elements are, therefore, separate and distinct structures. *See* Pet. 73–77.

Petitioner also argues that the claim terms “baseplate central channel” and “central channel . . . configured to interface with the baseplate” are indefinite. Pet. 95–102. Patent Owner argues that the plain and ordinary meaning of the terms is clear and that Petitioner “had no problem” arguing how the asserted art purportedly rendered the claims obvious. Prelim. Resp. 69–77.

In sum, even if Petitioner’s contentions show it is more likely than not that at least one of the claims challenged in the Petition is unpatentable, we find Patent Owner’s arguments identify credible weaknesses in Petitioner’s contentions. Accordingly, we find that that the sixth *Fintiv* factor is neutral and does not weigh against discretionary denial.

B. Conclusion on Discretionary Denial Under § 324(a)

We have considered the facts and circumstances before us in view of the *Fintiv* factors. As discussed above, factors 1 and 6 are neutral. Factors 2–5 weigh in favor of exercising our discretion to deny institution. On balance, we find that a holistic weighing of all six *Fintiv* Factors warrants our exercise of discretion under Section 324(a) to deny institution of review.

IV. CONCLUSION

For the reasons above, we exercise our discretion under 35 U.S.C. § 324(a) to deny institution of a post-grant review challenging claims 1–22 of the '254 patent.

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is denied as to all challenged claims, and no post-grant review is instituted.

PGR2025-00001
Patent 12,023,254 B1

FOR PETITIONER:

Paul M. Ulrich
Paul J. Linden
Todd A. Spears
FROST BROWN TODD LLP
pulrich@fbtlaw.com
plinden@fbtlaw.com
tspears@fbtlaw.com

FOR PATENT OWNER:

Jon Gurka
Jason Schigelone
Ryan Fitzgerald
CROWELL & MORING LLP
jgurka@crowell.com
jschigelone@crowell.com
rfitzgerald@crowell.com