

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

PGR2025-00075

ONESOURCE SOLUTIONS INTERNATIONAL, INC., Petitioner, v.

HIPPOCRATIC AI, INC., Patent Owner.

**PETITIONER’S REQUEST FOR DIRECTOR REVIEW OF DECISION
DENYING INSTITUTION**

I. RELIEF REQUESTED

Executive Summary (for Director Review triage):

- The operative Petition demonstrates, on the existing record, that at least Claim 1 is more likely than not unpatentable under 35 U.S.C. §§ 112(a)–(b), thereby satisfying the institution threshold of § 324(a). (Paper 13, 17–21.)
- Where the Petition meets § 324(a)’s probability standard, institution is warranted under the statute.
- Paper 26 denies institution “after review of the merits.” To the extent the § 324(a) threshold was determined not to be satisfied, the record does not specify the claim-specific or ground-specific basis for that determination. (Paper 26, 2.)
- Petitioner respectfully requests Director Review to confirm and, if appropriate, clarify application of the statutory institution standard. Requested relief: (i) modify Paper 26 to institute post-grant review as to at least Claim 1; or (ii) in the

alternative, issue a brief, record-grounded determination identifying the basis for concluding that the § 324(a) threshold was not satisfied.

Petitioner respectfully requests Director Review pursuant to 37 C.F.R. § 42.75 of the Decision Denying Institution (Paper 26).

Petitioner respectfully submits that the Petition demonstrates that the statutory probability threshold of 35 U.S.C. § 324(a) is satisfied as to at least Claim 1.

Director Review is therefore warranted to confirm and, if appropriate, clarify application of the institution standard on the existing record.

In the alternative, if the Director determines that modification to institute is not warranted, Petitioner respectfully requests a brief disposition identifying the specific legal, evidentiary, procedural, or discretionary basis on which the § 324(a) threshold was found not met.

Petitioner seeks only record-based relief and does not submit new evidence with this Request.

II. ISSUES PRESENTED FOR DIRECTOR REVIEW (PRIORITIZED)

Petitioner respectfully requests Director Review to address the following issues, which are outcome-determinative for institution under 35 U.S.C. § 324(a):

1. Whether the operative Petition demonstrates that at least Claim 1 is more likely than not unpatentable under 35 U.S.C. §§ 112(a) and 112(b), thereby satisfying the institution threshold of § 324(a). (Paper 13, 17–21.)

2. Whether the Decision Denying Institution (Paper 26), which states that denial followed “review of the merits,” reflects—or, if not, should clarify—application of the § 324(a) probability standard to the Petition’s claim-specific showings on the existing record. (Paper 26, 2; Paper 13.)
3. If the § 324(a) threshold was determined not to be satisfied, whether the record should identify the specific legal, evidentiary, procedural, or discretionary basis for that determination.

III. PROCEDURAL POSTURE AND RECORD DOCUMENTS

Petitioner filed the operative Petition (Paper 13) challenging U.S. Patent No. 12,142,371 B1 (the “’371 Patent”) under 35 U.S.C. §§ 101, 103, 112(a), and 112(b). The Board accorded the Petition an August 11, 2025 filing date following submission of a corrected petition. (Paper 3; Paper 21, 4 n.1.)

On August 22, 2025, the Board issued a Notice of Defective Petition. (Paper 3.) Petitioner thereafter sought leave to file, and filed, a corrected petition. (Paper 6; Paper 13.)

Patent Owner filed a Preliminary Response opposing institution. (Paper 21; Nov. 19, 2025.)

Pursuant to authorization, Petitioner filed a Preliminary Reply limited to procedural issues raised in the Preliminary Response. (Jan. 18, 2026.)

On February 3, 2026, the Board issued a Notice of Decisions on Institution denying institution in this proceeding “after review of the merits,” concluding that the institution standard under 35 U.S.C. § 324(a) was not satisfied. (Paper 26, 2.) Paper 26 does not include claim-specific or ground-specific analysis applying § 324(a) to the Petition.

Petitioner timely seeks Director Review of the denial of institution pursuant to 37 C.F.R. § 42.75.

IV. STANDARD FOR DIRECTOR REVIEW

Petitioner requests Director Review pursuant to 37 C.F.R. § 42.75 of the denial of institution in this post-grant review. Director Review is appropriate to correct material errors of law, material misapprehensions or oversights of the record, and to promote consistent application of the institution threshold under 35 U.S.C. § 324(a) (“more likely than not” that at least one challenged claim is unpatentable). This Request is based solely on the existing record in this proceeding and submits no new evidence, consistent with 37 C.F.R. § 42.75(c)(3) and the USPTO’s Director Review process. Petitioner does not seek to expand the record beyond the operative Petition (Paper 13), Patent Owner’s Preliminary Response, and the institution-denial paper(s) (including Paper 26).

V. WHY DIRECTOR REVIEW IS WARRANTED

Paper 26 denies institution “after review of the merits” without identifying the claim-specific or ground-specific basis for concluding that the § 324(a) threshold was not satisfied. (Paper 26, 2.) The Petition presents detailed § 112(a) and § 112(b) showings directed to Claim 1. (Paper 13, 17–21.) This proceeding presents a narrow supervisory question: whether those claim-specific showings satisfy the statutory “more likely than not” threshold. Director Review is warranted to ensure consistent application of § 324(a) on the existing record.

VI. ARGUMENT

A. The Petition Demonstrates That Claim 1 Is More Likely Than Not Unpatentable Under 35 U.S.C. §§ 112(a) and 112(b)

Under 35 U.S.C. § 324(a), institution is warranted where “the information presented in the petition ... shows that it is more likely than not that at least 1 of the claims challenged ... is unpatentable.” The statute establishes a probability threshold, not a final merits determination.

The threshold question for Director Review is straightforward: whether, on the existing record, Claim 1 is more likely than not unpatentable under §§ 112(a)–(b).

The Petition’s showing is claim-specific and tied to the claim’s required parallel second-LLM control loop, “research” and “control signals,” and checklist/state-

management enforcement. The specific disclosure gaps and indefiniteness boundaries identified in the Petition are summarized below. (Paper 13, 17–21.)

1. Section 112(a)

Claim 1 requires a concrete parallel-control architecture in which:

A first LLM conducts a “human-like conversation”;

A second LLM performs “research into a portion” of that conversation;

The second LLM generates “control signals”; and

Those control signals govern construction of conversational output while operating “in parallel,” including checklist/state-management enforcement.

(Paper 13, 18–21.)

The Petition identifies the absence of any disclosed architecture, timing or synchronization logic, defined “control signal” structure, algorithmic mechanism converting “research” into binding constraints, or implementation of checklist/state enforcement. (Paper 13, 17–20.)

These elements correspond to structural and operational requirements recited in Claim 1. (Paper 13, 17–20.) Specifically:

- Parallel LLM control loop architecture. Claim 1 requires two LLMs operating in a coordinated, parallel arrangement in which the second LLM’s outputs constrain construction of conversational output. Without any disclosed architecture describing how a second LLM is integrated with and governs the first LLM’s

response construction, the specification does not describe an operative system consistent with the claim's required parallel control loop. (Paper 13, 18–20.)

- Timing / synchronization for “in parallel.” Claim 1 is not satisfied by mere sequential review; it requires parallel operation. The Petition explains that the specification discloses no timing model or synchronization logic (e.g., sequencing, gating, concurrency, or handoff controls) to enable “in parallel” operation while actually constraining output construction. (Paper 13, 18–20.)

- Defined data structure for “control signals.” The Petition identifies that the specification does not define what “control signals” are (format, content, fields, representation, or interface), making it impossible to determine what is generated or how it is consumed to “contribute in part to construction” of conversational output. (Paper 13, 18–20.)

- Mechanism converting “research” into binding constraints. Claim 1 requires the second LLM's “research” to produce control signals that govern output construction. The Petition explains that the specification lacks any disclosed algorithmic mechanism or concrete pipeline that transforms “research into a portion” of conversation into enforceable constraints used during response construction. (Paper 13, 18–20.)

- Checklist / state-management enforcement across claim scope. Claim 1 requires checklist/state-management enforcement as part of the parallel control. The

Petition explains the specification provides no implementation detail for how checklist/state conditions are represented, evaluated, enforced, or maintained while the system constructs responses over time. (Paper 13, 19–20.)

Instead, the specification describes functional objectives without disclosing the technical structure required to enable the claimed system or demonstrate possession of the full claimed architecture.

On this record, the Petition demonstrates that Claim 1 is more likely than not invalid under § 112(a).

Moreover, the identified disclosure gaps are not limited to isolated embodiments; the specification does not disclose any operative architecture implementing the claimed parallel second-LLM control loop across the full scope of Claim 1. Absent such disclosure, the Petition’s showing is directed to a structural deficiency inherent in the claim as written, not merely to particular implementation details.

2. Section 112(b)

The Petition independently shows that Claim 1 lacks objective boundaries for key limitations, including:

“Research into a portion,”

“In parallel,”

“Control signals contribute in part to construction,” and

The scope of checklist/state enforcement.

(Paper 13, 18–21.)

The Petition further explains that these indefiniteness issues are driven by the absence of objective anchors—criteria, boundaries, or structural constraints—by which a skilled artisan could determine claim scope with reasonable certainty.

(Paper 13, 18–21.) For example:

- “Research into a portion.” The Petition explains the specification provides no objective boundary for what qualifies as a “portion,” how it is selected, or what constitutes “research” as claimed—leaving scope to subjective interpretation.

(Paper 13, 18–19.)

- “In parallel.” The Petition explains the specification does not provide an objective concurrency model (timing relationship, synchronization constraints, or functional criteria) distinguishing “parallel” operation from ordinary sequential review or post-processing. (Paper 13, 19–20.)

- “Control signals contribute in part to construction.” The Petition explains the specification does not define the nature of the “control signals” or the manner of contribution (e.g., required causal role, degree of constraint, or governing interface), leaving the boundary between mere influence and actual construction-control undefined. (Paper 13, 19–20.)

- Checklist / state enforcement scope. The Petition explains the claim scope is uncertain because the specification does not provide objective boundaries for what the checklist is, how state is defined and persisted, or what constitutes “enforcement” during response construction across conversational turns. (Paper 13, 20–21.)

The specification provides no definitional anchor or structural constraint that would inform a skilled artisan, with reasonable certainty, of the scope of these limitations. Under Nautilus, these boundary deficiencies satisfy the institution-stage probability threshold.

These § 112 showings satisfy the statutory institution threshold, independent of the additional § 101 and § 103 grounds presented in the Petition.

These boundary deficiencies are intrinsic to the claim language as drafted and are not resolved by ordinary claim construction because the specification provides no objective standard or structural anchor from which reasonable certainty of scope could be derived.

B. Section 324(a) Sets the Probability Threshold for Institution

Section 324(a) establishes a probability threshold, asking only whether the Petition demonstrates that at least one challenged claim is more likely than not unpatentable.

Where a Petition presents claim-specific analysis, identifies concrete disclosure deficiencies, and applies governing legal standards under §§ 112(a) and 112(b), institution is warranted if that showing crosses the probability threshold.

The Petition presents such claim-specific showings as to Claim 1.

C. Paper 26 Does Not Specify a Record-Based Basis for Concluding the Threshold Was Not Met

To the extent institution was denied following “review of the merits,” Paper 26 does not:

- (i) identify which aspect of the § 112(a) showing was found insufficient;
- (ii) identify disclosure curing the architectural deficiencies identified in the Petition;
- (iii) articulate a claim construction resolving the indefiniteness issues; or
- (iv) explain why the Petition’s evidence was determined not to satisfy the statutory probability standard.

(Paper 26, 2.)

Petitioner does not contend that a full merits opinion is required at institution.

However, where denial is expressly characterized as following “review of the merits,” the record should reflect the basis on which the § 324(a) probability threshold was determined not to be satisfied.

Identification of that basis would clarify how the statutory standard was applied to the Petition's claim-specific evidence.

D. Director Review Is Appropriate to Confirm and, if Appropriate, Clarify
Application of § 324(a)

Because the Petition presents claim-specific showings establishing that Claim 1 is more likely than not unpatentable under §§ 112(a) and 112(b), and because the Decision does not specify a record-based basis for concluding otherwise, supervisory review under 37 C.F.R. § 42.75 is warranted.

This Request does not seek reweighing of factual disputes beyond the existing record. It seeks confirmation that the statutory probability threshold of § 324(a) was correctly applied to the Petition's claim-specific grounds.

Petitioner respectfully requests that the Director:

Modify Paper 26 to institute post-grant review as to at least Claim 1; or

In the alternative, issue a brief disposition identifying the specific legal, evidentiary, procedural, or discretionary basis on which the § 324(a) threshold was found not satisfied.

VII. REQUESTED DISPOSITION

Pursuant to 37 C.F.R. § 42.75, Petitioner respectfully requests that the Director exercise supervisory review to confirm and, if appropriate, clarify the application of 35 U.S.C. § 324(a) in this proceeding.

Specifically, Petitioner requests the following relief:

1. Modify the Decision Denying Institution (Paper 26) to institute post-grant review under 35 U.S.C. § 324(a) as to at least Claim 1, based on the Petition's claim-specific showings that the claim is more likely than not unpatentable.
2. In the alternative, issue a brief, record-grounded determination identifying the specific legal, evidentiary, procedural, or discretionary basis on which the § 324(a) threshold was found not satisfied on the existing record (Paper 26; Paper 13).
3. In the further alternative, remand for issuance of a short institution decision clarifying the application of the § 324(a) probability standard to the Petition's claim-specific grounds.

VIII. CONCLUSION

Petitioner seeks only application and articulation of the statutory institution standard on the existing record and does not request consideration of new evidence.

For the foregoing reasons, Petitioner respectfully requests that the Director grant this Request for Director Review pursuant to 37 C.F.R. § 42.75 and confirm and, if appropriate, clarify application of 35 U.S.C. § 324(a) to the Petition's claim-specific showings on the existing record.

Petitioner respectfully requests the relief set forth in Section VII.

Respectfully submitted,

/Alfred Hoyte/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on February 16, 2026, a true and correct copy of the foregoing Petitioner's Request for Director Review in PGR2025-00075 was served by email on the following counsel:

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Dated: Monday, February 16, 2026

/s/ Alfred Hoyte

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