

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK
OFFICE

BOEHRINGER INGELHEIM ANIMAL HEALTH USA INC.,
Petitioner,

v.

KANSAS STATE UNIVERSITY RESEARCH FOUNDATION,
Patent Owner.

PGR2022-00021
Patent 10,954,274 B2

Before KATHERINE K. VIDAL, *Under Secretary of Commerce for
Intellectual Property and Director of the United States Patent and
Trademark Office.*

ORDER

Boehringer Ingelheim Animal Health USA Inc. (“Petitioner”) filed a Petition requesting a post-grant review of claims 1–27 of U.S. Patent No. 10,954,274 B2 (Ex. 1001, “the ’274 patent”). Paper 2. Kansas State University Research Foundation (“Patent Owner”) did not file a Preliminary Response. On July 15, 2022, the Patent Trial and Appeal Board (“Board”) issued a Decision denying institution of post-grant review. Paper 9 (“Decision”).

I have reviewed the Board’s Decision, the relevant papers, and the relevant exhibits of record in this proceeding. I determine that Director review of the Board’s Decision is appropriate because this case raises issues of particular importance to the Office and the patent community. *See Interim process for Director review*¹ § 10 (setting forth issues that may warrant Director review), § 22 (providing for *sua sponte* Director review of institution decisions in AIA proceedings and explaining that “the parties to the proceeding will be given notice” if Director review is initiated *sua sponte*). I will issue an Order in due course setting forth the schedule for the Director review.

Accordingly, based on the foregoing, it is:

ORDERED that a *sua sponte* Director review of the Board’s Decision denying institution (Paper 9) is initiated; and

FURTHER ORDERED that a schedule will issue in due course.

¹ Available at <https://www.uspto.gov/patents/patent-trial-and-appeal-board/interim-process-director-review>.

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