

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE  
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

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THERABODY, INC.  
Petitioner,

v.

HYPERICE IP SUBCO, LLC,  
Patent Owner.

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PGR2025-00013  
Patent 11,938,082

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Before MEGAN CARLSON, *Deputy Chief Clerk, Appeals.*

NOTICE OF REFERRAL TO BOARD PANEL

Under the March 26, 2025, memorandum entitled “Interim Processes for PTAB Workload Management” (“Interim Processes memo”), Patent Owner had the opportunity to file a brief requesting discretionary denial of institution. Interim Processes memo 2.<sup>1</sup> Patent Owner did not file such a brief. Accordingly, this case is referred to a Board panel to consider the

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<sup>1</sup> Available at <https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf>.

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merits and non-discretionary considerations. *See* FAQs for Interim Processes for PTAB Workload Management, FAQ 9.<sup>2</sup>

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<sup>2</sup> Available at <https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management>.

PGR2025-00013  
Patent 11,938,082  
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