

Paper No. _____
Filed: July 8, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEUROCRINE BIOSCIENCES, INC.
Petitioner,

v.

SPRUCE BIOSCIENCES, INC.
Patent Owner.

Case No. PGR2025-00032
Patent No. 12,115,166

PATENT OWNER'S PRELIMINARY RESPONSE

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I. PATENT OWNER HAS DISCLAIMED ALL CHALLENGED CLAIMS, RENDERING THE PETITION MOOT

On May 7, 2025, Patent Owner filed a statutory disclaimer with the U.S. Patent and Trademark Office disclaiming claims 1-21 of U.S. Patent 12,115,166. *See* EX2001. Because the Petition challenges only disclaimed claims, PGR cannot be instituted, and the Petition is moot. 37 C.F.R. § 42.207(e).

II. CONCLUSION

Accordingly, for at least the reasons set forth above, institution of post grant review should be *denied*.

Respectfully submitted,

Date: July 8, 2025

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
Reg. No. 52,182

CERTIFICATE OF COMPLIANCE

Pursuant to §42.24(d), the undersigned certifies that this paper contains no more than 18,700 words, not including the portions of the paper exempted by §42.24(b). According to the word-processing system used to prepare this paper, the paper contains 79 words.

Respectfully submitted,

Date: July 8, 2025

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
Reg. No. 52,182

III. APPENDIX

Exhibit No.	Description
2001	Spruce Biosciences, Inc., Disclaimer in a Patent under 37 C.F.R. § 1.321(a), filed May 7, 2025, with the U.S. Patent and Trademark Office regarding U.S. Patent No. 12,115,166 including Acknowledgement of Receipt

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Preliminary Response and accompanying Exhibit 2001 were served on July 8, 2025, on the Petitioner at the electronic correspondence address of the Petitioner as follows:

Kristi L. R. Sawert
Robert Oakes
W. Karl Renner
Fish & Richardson P.C.
PGR47291-0007PS1@fr.com

Dated: July 8, 2025

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
Reg. No. 52,182