

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEUROCRINE BIOSCIENCES, INC.,
Petitioner,

v.

SPRUCE BIOSCIENCES, INC.,
Patent Owner.

PGR2025-00032
Patent 12,115,166 B2

Before JOHN G. NEW, SUSAN L. C. MITCHELL, and DAVID COTTA,
Administrative Patent Judges.

MITCHELL, *Administrative Patent Judge.*

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 324

Neurocrine Biosciences, Inc. (“Petitioner”) filed a Petition to institute a post-grant review of claims 1–10 and 12–21 (the “challenged claims”) of U.S. Patent No. 12,115,116 B2 (the “’116 patent”). Paper 2, 1 (“Pet.”). Spruce Biosciences, Inc. (“Patent Owner”) filed a Preliminary Response in which it stated that it had disclaimed all claims of the ’116 patent, claims 1–21. Paper 7, 1 (“Prelim. Resp.”); *see* Ex. 2001 (disclaimer). Patent Owner asks that we deny institution of post-grant review because all claims of the patent at issue have been disclaimed. Prelim. Resp. 1 (citing 37 C.F.R. § 42.207(e)).

Section 42.207(e) states that “[n]o post-grant review will be instituted based on disclaimed claims.” 37 C.F.R. § 42.207(e). Because the Patent Owner has disclaimed all claims challenged by the grounds in this Petition, we determine that no trial will be instituted.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is denied, and *inter partes* review of claims 1–10 and 12–21 of U.S. Patent No. 12,115,116 B2 is not instituted with respect to any ground of unpatentability set forth in the Petition.

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