

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NEUROCRINE BIOSCIENCES, INC.,
Petitioner,

v.

SPRUCE BIOSCIENCES, INC.,
Patent Owner.

PGR2021-00088
Patent 10,849,908 B2

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

ORDER
Granting *Sua Sponte* Director Review

Neurocrine Biosciences, Inc. (“Petitioner”) filed a Petition requesting post-grant review of claims 1–25 of U.S. Patent No. 10,849,908 B2. Paper 3 (“Pet.”). Spruce Biosciences, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). On December 10, 2021, the Board issued a Decision denying institution of post-grant review. Paper 11 (“Decision”).

The Office received a request for Precedential Opinion Panel (“POP”) review of the Decision in the above-captioned case. *See* Paper 13; Ex. 3001.

I have reviewed the requests, the Board’s Decision, and the relevant papers and exhibits of record in the above-listed proceeding. I determine that *sua sponte* Director Review of the Board’s Decision is appropriate. *See* Interim process for Director Review § 8 (setting forth scope of Director review); § 10 (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 or decision in due course.

In consideration of the foregoing, it is hereby:

ORDERED that *sua sponte* Director Review of the Board’s Decision is initiated; and

FURTHER ORDERED that an order or decision will issue in due course.

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