

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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SMAXTEC INC. and SMAXTEC ANIMAL CARE GMBH,  
Petitioner,

v.

ST REPRODUCTIVE TECHNOLOGIES, LLC,  
Patent Owner.

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IPR2024-00875  
Patent 9,844,206 B2

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Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual  
Property and Director of the United States Patent and Trademark Office.*

ORDER

ST Reproductive Technologies, LLC (“Patent Owner”) filed a request for Director Review of the Final Written Decision (“Decision,” Paper 49) in the above-captioned case, and smaXtec Inc. and smaXtec Animal Care GmbH (collectively “Petitioner”) filed an authorized response. *See* Paper 50 (“Request”); Paper 51 (“Response”).

Patent Owner argues that the Decision should be reversed as to claims 4, 6, and 18–20 because the Board failed to consider and resolve Patent Owner’s arguments as to these claims, relied on arguments and concessions that Patent Owner did not make, and made inconsistent findings. DR Request 1. For its part, Petitioner is in agreement that the Decision did not consider all of Patent Owner’s arguments as to claim 18, as well as included potentially inconsistent findings as to claims 6, 19, and 20. DR Resp. 11–13. However, Petitioner does not agree with Patent Owner’s additional arguments for reversal.

Having considered the Request and Response, I find the Decision warrants further review and that a Delegated Rehearing Panel (“DRP”) is the appropriate body to give reconsideration to the Board’s work, which goes to the integrity of the patent system. Indeed, as the parties are in agreement that Board erred in finding that Patent Owner “does not separately argue” claim 18, “instead relying on its prior argument against claim 1,” Decision 48, 81, and also that Board’s findings as to claims 6, 19, and 20 need to be reconciled, *compare* Decision 42–43, *with id.* at 48–49, convening a DRP is appropriate. Accordingly, I delegate Director Review of the Decision to the DRP for a review and determination as to whether the Board overlooked, misapprehended, or otherwise erred as to these issues, as Patent Owner argues.

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Absent good cause, the DRP shall issue a decision within 45 days of this Order.

It is:

ORDERED that the request for Director Review is delegated to a DRP.

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