

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

DK CROWN HOLDINGS INC.,
Petitioner,

v.

DIOGENES LIMITED,
Patent Owner.

IPR2023-00268
Patent 11,200,779 B2

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

ORDER

The Office has received a request for Director Review of the Decision Denying Institution (“Decision”) for the above-captioned case. *See* Paper 10; Ex. 3100. The request was referred to me.

I have considered the request and determine that the Decision warrants review by an independent Delegated Review Panel (“DRP”) to review the fact-intensive issues presented in this case. *See* Delegated Rehearing Panel § 2.B.¹ Accordingly, I delegate Director Review of the Decision to a DRP to review the case and to determine whether to grant rehearing. *See id.* at § 2.C. The Board shall issue an Order identifying a DRP to conduct the review. *See id.*; PTAB Standard Operating Procedure 1, Rev. 15.²

The DRP shall review the Decision and determine whether the record demonstrates that the Decision misapprehended or overlooked any issue raised in the Director Review request. *See* Delegated Rehearing Panel §§ 2.C–D; *accord* 37 C.F.R. § 42.71(d). The DRP shall make its decision independently and without direction from me. *See* Delegated Rehearing Panel § 2.D. If the DRP determines that the decision misapprehended or overlooked an issue, the DRP may issue a decision, or, if appropriate, may remand to the Board for further proceedings. *Id.* at § 2.E. The DRP may request additional briefing if necessary. *Id.* at § 2.D.

¹ Available at www.uspto.gov/patents/ptab/decisions/delegated-rehearing-panel.

² Available at www.uspto.gov/sites/default/files/documents/SOP%201%20R15%20FINAL.pdf.

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Accordingly, it is:

ORDERED that the request for Director Review is delegated to a Delegated Rehearing Panel; and

FURTHER ORDERED that the Board shall issue an Order identifying a DRP to conduct the review.

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