

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HOLOGIC, INC.,  
Petitioner,

v.

ENZO LIFE SCIENCES, INC.,  
Patent Owner.

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Case IPR2016-00820  
Patent 7,064,197 B1

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Before MICHAEL J. FITZPATRICK, ZHENYU YANG, and  
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER

Errata to Institution Decision Entered October 4, 2016  
*37 C.F.R. § 42.5*

On October 4, 2016, we instituted trial. Paper 8 (“Institution Decision”). In the concluding section of our Institution Decision, titled “ORDER,” we identified the grounds for trial. *Id.* at 26. In doing so, we incompletely listed the claims that are challengeable at trial as anticipated by Fish (i.e., Ground 1). In particular, we inadvertently listed only dependent claims, whereas independent claims 1, 6, 8, 9, 12–15, and 27 also should have been listed. *Compare id.* at 14, *with id.* at 26.

Accordingly, we amend our Institution Decision. Trial is instituted on the following grounds (amendments shown in underlining):

- (1) claims 1, 6, 8, 9, 12–15, 16, 27, 32–34, 41, 61–63, 69, 70, 72–74, 79, 100, 191, 193, 194, 212, 213, 219, 222, 225–227, 230, 233, and 236 as anticipated by Fish;
- (2) claims 31, 64, 68, 101, 192, and 195 as obvious over Fish;
- (3) claims 38, 78, and 218 as obvious over Fish and Gilham;
- (4) claims 1, 6, 8, 9, 12–15, 27, 31, 32, 34, 61–63, 68–70, 72, 74, 79, 100, 191–193, 194, 213, 219, 226, 227, and 236 as anticipated by VPK;
- (5) claims 33, 41, 73, 212, 225, and 233 as obvious over VPK and Metzgar; and
- (6) claims 16, 38, 64, 78, 101, 195, 218, 222, and 230 as obvious over Noyes, VPK, Metzgar, and Ramachandran.

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