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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. AND JUNIPER NETWORKS, INC.,[1]
Petitioner,

v.

ORCKIT CORPORATION,
Patent Owner.

IPR2023-00402
Patent 8,830,821 B2

Before KRISTEN L. DROESCH, NATHAN A. ENGELS, and BRENT M. DOUGAL, *Administrative Patent Judges.*

DROESCH, *Administrative Patent Judge*.

ORDER
Adjusting One-Year Pendency Due to Joinder
35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)

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[1] Juniper Networks, Inc. filed a motion for joinder and a petition in IPR20240-00034, which were granted. Accordingly, Juniper Networks, Inc has been joined as a petitioner in this proceeding.

On September 12, 2023, we instituted an *inter partes* review of claims 1–20 of U.S. Patent No. 8,830,821 B2, based on a petition filed by Cisco Systems Inc. ("Cisco"). Paper 11. On February 27, 2024, we joined Juniper Networks, Inc., who filed a petition in IPR2024-0034, as petitioner in this proceeding. Paper 29.

Pursuant to 35 U.S.C. § 316(a)(11), "the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director . . . may adjust the time periods in this paragraph in the case of joinder under section 315(c)." The Director has delegated the authority to adjust the one-year period to the Board. *See* 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides that "[a]n *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be . . . adjusted by the Board in the case of joinder."

In accordance with 37 C.F.R. § 42.100(c), we adjust the time of pendency before the Board in the present proceedings which involves joinder, to permit the Board to consider and determine the pending issues. The Board shall issue a final written decision in this proceeding no later than March 12, 2025.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the time of pendency in IPR2023-00402, which involves joinder, is adjusted beyond one year after institution; and

FURTHER ORDERED that the Board shall issue a final written decision in this proceeding no later than March 12, 2025.

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