

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2023-01462
Patent 9,277,445 B2

Before ROBERT J. WEINSCHENK, GARTH D. BAER, and
RUSSELL E. CASS, *Administrative Patent Judges*.

CASS, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Unopposed Motion to Accept
Filing of Patent Owner Preliminary Response
37 C.F.R. § 42.5(c)(3)

On January 10, 2024, with our authorization,¹ Patent Owner filed an Unopposed Motion to Accept Filing of Patent Owner Preliminary Response. Paper 7 (“Motion”). Patent Owner requests that the Board excuse the late filing of the Preliminary Response (Paper 6) on January 5, 2024, which was after the January 4, 2024 deadline for filing the Preliminary Response in this proceeding. Motion 1. Patent Owner explains that it was unable to file the Preliminary Response in P-TACTS on time due to an administrative oversight concerning the power of attorney that was not discovered until the evening of the due date. *Id.* (citing Paper 6, 33; Ex. 2006, 2). Patent Owner indicates that it promptly provided Petitioner and the Board with a link to access the Preliminary Response and corrected the power of attorney issue the following morning. *Id.* at 2 (citing Ex. 2006, 2). Patent Owner represents that Petitioner does not oppose the Motion. *Id.* at 1.

Under 37 C.F.R. § 42.5(c)(3), “[a] late action will be excused on a showing of good cause or upon a Board decision that consideration on the merits would be in the interests of justice.” Under the particular circumstances of this case, we determine that consideration of the Preliminary Response would be in the interests of justice. Accordingly, we excuse Patent Owner’s late filing of the Preliminary Response.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s Unopposed Motion to Accept Filing of Patent Owner Preliminary Response in this proceeding is *granted*.

¹ The Board authorized the Motion’s filing in an email dated January 9, 2024. *See* Ex. 2005.

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