

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOME DEPOT USA, INC. and HOME DEPOT SOLUTIONS LLC,
Petitioner,

v.

INNOVAPORT, LLC,
Patent Owner.

IPR2024-00022 (Patent 9,489,690 B1)
IPR2024-00096 (Patent 8,775,260 B1)¹

Before BART A. GERSTENBLITH and SEAN P. O'HANLON,
Administrative Patent Judges.

GERSTENBLITH, *Administrative Patent Judge.*

ORDER

Granting Joint Request for Extension of Time
to File Patent Owner's Preliminary Response
37 C.F.R. §§ 42.5(c), 42.107(b)

¹ This Order addresses issues that are the same in each of the above-identified proceedings. The parties are not authorized to use this style heading.

IPR2024-00022 (Patent 9,489,690 B1)

IPR2024-00096 (Patent 8,775,260 B1)

Under 37 C.F.R. § 42.107(b), a patent owner may file a preliminary response to a petition no later than three months after the Board issues a notice of filing date accorded. In IPR2024-00022, Patent Owner's preliminary response is currently due March 7, 2024. IPR2024-00022, Paper 6 (Order Granting Joint Request for Extension of Time). In IPR2024-00096, Patent Owner's preliminary response is currently due March 11, 2024. *See* Paper 3 (Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response).

On March 6, 2024, the parties contacted the Board by email, indicating that Patent Owner and Petitioner are working to finalize a settlement agreement into a written document. Ex. 3002.² To allow more time to do so, the parties request a one-week extension of the deadline to file a preliminary response in each proceeding. *Id.*

A request for an extension of time must be supported by a showing of good cause. 37 C.F.R. § 42.5(c)(2). Upon review of the parties' joint request, we determine that good cause has been established, and therefore *grant* the requested extension of time. Without taking a position on whether a further extension of time would be granted, should the parties seek another extension of time for either preliminary response, the parties must contact the Board at least *two* business days prior to the respective deadline.

² Exhibit 3002 is of record in each proceeding.

IPR2024-00022 (Patent 9,489,690 B1)

IPR2024-00096 (Patent 8,775,260 B1)

Accordingly, it is:

ORDERED that Patent Owner may file a preliminary response in IPR2024-00022 by March 14, 2024; and

FURTHER ORDERED that Patent Owner may file a preliminary response in IPR2024-00096 by March 18, 2024.

IPR2024-00022 (Patent 9,489,690 B1)

IPR2024-00096 (Patent 8,775,260 B1)

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