

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUMINEX INTERNATIONAL CO., LTD.,
Petitioner,

v.

SIGNIFY HOLDINGS B.V.,
Patent Owner.

IPR2024-00101
Patent 10,299,336 B2

Before CHRISTOPHER M. KAISER, KEVIN C. TROCK, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5(a)

On December 16, 2024, Patent Owner’s counsel emailed the Board to request authorization to extend by two weeks Due Date 1 for filing the Response and to similarly extend by two weeks Due Date 2 for filing the Reply and Due Date 3 for filing the Sur-reply. Ex. 3006.

Patent Owner explains that Petitioner “has assented to the use of particular documents” from a related civil action in this proceeding but “has asked that Patent Owner prepare a protective order akin to that used” in the related civil action instead of the Board’s default protective order.¹

Ex. 3006. Patent Owner also explains that Menard, Inc. (“Menard”), i.e., the party that produced the documents in the litigation, “has also assented to the use of some of the materials, but its response has raised further questions that will need to be addressed.” *Id.* Patent Owner asserts that “[g]iven the outstanding issues to be addressed, including drafting a motion to seal, Patent Owner seeks authorization for a 2-week extension of time for Due Date 1 (from December 23, 2024, to January 6, 2024), with Due Dates 2 and 3 being similarly extended.” *Id.*

Petitioner opposes Patent Owner’s request to extend Due Dates 1, 2, and 3 by two weeks. Ex. 3006. Petitioner explains that it “previously agreed to a 3-week extension of time” for the Response (from December 2, 2024, to December 23, 2024). According to Petitioner, Patent Owner “has provided no legitimate justification for an additional extension of time” because, among other things, Patent Owner “identified the list of 10 documents it intends to use on December 12, 2024, and [Petitioner] and

¹ See *Signify North America Corp. et al. v. Menard, Inc.*, No. 3:22-cv-00706 (W.D. Wis. filed Aug. 12, 2022); Ex. 2003 (Complaint for Patent Infringement filed Aug. 12, 2022).

Menard have worked expeditiously and in good faith to resolve the issues raised by [Patent Owner's] request.” *Id.* Petitioner explains that both it and Menard have agreed to allow Patent Owner to use those 10 documents in the Response and that Petitioner “suggested that the Parties agree to the terms of the Protective Order that has already been agreed to and entered in the district court” to “cover the documents designated Attorney’s Eyes Only that [Patent Owner] seeks to use.” *Id.* Petitioner asserts that granting Patent Owner’s request to extend Due Dates 1, 2, and 3 by two weeks “would create scheduling issues (e.g., compressing the time between Due Date 3 and Due Date 5 [for filing a motion to exclude] to one week)” that would prejudice Petitioner. *Id.*

The additional effort identified by Patent Owner, i.e., preparing a proposed protective order and drafting a motion to seal, does not warrant a two-week extension for Due Date 1 for filing the Response, particularly where Petitioner “suggested that the Parties agree to the terms of the Protective Order that has already been agreed to and entered in the district court.” *See* Ex. 3006.

ORDER

Accordingly, it is

ORDERED that Patent Owner’s request to extend Due Dates 1, 2, and 3 by two weeks is denied.

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