

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

INTERDIGITAL PATENT HOLDINGS, INC.,
Patent Owner.

IPR2024-00305 (Patent 8,737,933 B2)
IPR2024-00306 (Patent 9,173,054 B2)

GRANT OF GOOD CAUSE EXTENSION
35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)

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, for good cause shown, extend the 1-year period by not more than 6 months” The Director has delegated the authority to extend the one-year period to the Chief Administrative Patent

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Judge. *See* 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides:

An *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 extended by up to six months for good cause by the Chief Administrative Patent Judge

In accordance with 37 C.F.R. § 42.100(c), the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision in these proceedings.

On May 10, 2024, the Board instituted trial in IPR2024-00305, in which Petitioner Microsoft Corporation challenges claims 1–9, 11, 13, 14, 20–31, 33, 35, 36, and 42–44 of U.S. Patent No. 8,737,933 B2 (“the ’933 patent”), and in IPR2024-00306, in which Petitioner challenges claims 1, 3–10, 12, 14, 15, 21, 23, 25–32, 34, 36, 37, 43, 46, 47, 49, and 50 of U.S. Patent No. 9,173,054 B2 (“the ’054 patent”), both of which patents are assigned to Patent Owner InterDigital Patent Holdings, Inc. *See* IPR2024-00305, Paper 12; IPR2024-00306, Paper 12. Approximately two months later, on July 15, 2024, the Board instituted trial in IPR2024-00537 and IPR2024-00538, in which Petitioner challenges the same claims of the ’933 and ’054 patents as in IPR2024-00305 and IPR2024-00306, respectively. *See* IPR2024-00537, Paper 10; IPR2024-00538, Paper 10.

On September 9, 2024, Petitioner and Patent Owner filed a Joint Motion to Extend the Maximum One-Year Pendency and Modify the Scheduling Order in each of the captioned proceedings. IPR2024-00305, Paper 19; IPR2024-00306, Paper 19. The parties contend in the Joint Motions that an extension of the one-year deadline in these proceedings to

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allow alignment with the schedules in IPR2024-00537 and IPR2024-00538 will promote efficient resolution of the proceedings and that neither party would be prejudiced by extension and alignment of the dates as requested. IPR2024-00305, Paper 19 at 3; IPR2024-00306, Paper 19 at 3. The parties further contend in the Joint Motions that the '933 and '054 patents previously were involved in a co-pending investigation in the International Trade Commission but that both patents were terminated from that investigation on July 26, 2024, thereby eliminating timing concerns vis-à-vis these proceedings. IPR2024-00305, Paper 19 at 4; IPR2024-00306, Paper 19 at 4.

Based on the unique circumstances of these cases, and for substantially the reasons set forth in the parties' Joint Motions, the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision in each of these proceedings.

Users,

Boalick, Scott

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Scott R. Boalick

Chief Administrative Patent Judge

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PETITIONER:

Andrew M. Mason

Sarah Jelsema

Samuel B. Thacker

Frank Morton-Park

KLARQUIST SPARKMAN, LLP

andrew.mason@klarquist.com

sarah.jelsema@klarquist.com

samuel.thacker@klarquist.com

k.morton-park@klarquist.com

PATENT OWNER:

Scott W. Hejny

Richard A. Kamprath

George T. Fishback, Jr.

MCKOOL SMITH, P.C.

IDG_Microsoft_IPRs@mckoolsmith.com

shejny@McKoolSmith.com

rkamprath@mckoolsmith.com

gfishback@mckoolsmith.com