

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASKELADDEN L.L.C.,
Petitioner,

v.

INTERCURRENCY SOFTWARE LLC,
Patent Owner.

IPR2024-00375 (Patent 10,776,863 B1)
IPR2024-00376 (Patent 10,062,107 B1)
IPR2024-00377 (Patent 10,062,107 B1)
IPR2024-00378 (Patent 11,449,930 B1)¹

Before NEIL T. POWELL, FRANCES L. IPPOLITO, and
SEAN P. O'HANLON *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

REVISED SCHEDULING ORDER
37 C.F.R. § 42.5

¹ This Order applies to each of the listed proceedings. The parties are not authorized to use this style heading for any subsequent papers.

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A conference call was held with the parties and panel on November 21, 2024. On the call, Patent Owner requested leave to file its Patent Owner Response on November 26, 2024, which is several weeks past Due Date 1 (September 30, 2024). *See* IPR2024-00375, Paper 13. Patent Owner's counsel indicated that he inadvertently failed to have the due date entered into his docketing system and, therefore, missed Due Date 1 – filing of the Patent Owner Response and Motion to Amend. After missing the deadline, Patent Owner contacted Petitioner to propose adjustments to Due Date 1, Due Date 2, and Due Date 3. Patent Owner indicated that the proposed dates attempted to mitigate any prejudice to Petitioner's deadline to file Petitioner's Reply to the Patent Owner's Response (Due Date 2). Patent Owner also offered a reduced word count limit for the Patent Owner Response. Patent Owner further indicated that it would **not** file a Motion to Amend.

Petitioner opposed Patent Owner's request. Petitioner pointed out that Patent Owner's proposed dates shortened Petitioner's Reply time by eleven (11) days. Petitioner further contended that there was no good cause for Patent Owner's extension request, and that a shortened time for Petitioner to file its Reply was prejudicial.

We determine there is good cause to allow Patent Owner an extension to file a Patent Owner Response for clarity and completeness of the record and to allow Patent Owner an opportunity to address the Petition. Patent Owner did not file a Preliminary Response. Further, as Patent Owner agreed to, Patent Owner is NOT authorized to file a Motion to Amend in this proceeding. Additionally, the revised scheduling order adjusts the dates to

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allow Petitioner the full response time, eighty-four (84) days, that was originally provided. *See* IPR2024-00375, Paper 13, 11 (Original Due Date 2 – December 23, 2024). As such, any potential prejudice regarding Due Date 2 has been mitigated by the revised dates.

We revise the Scheduling Order (*see* IPR2024-00375, Paper 13), as follows:

DUE DATE APPENDIX

DUE DATE 1 November 26, 2024

Patent Owner’s response to the petition

DUE DATE 2 February 18, 2025

Petitioner’s reply to Patent Owner’s response to petition

DUE DATE 3 February 24, 2025

Patent Owner’s sur-reply to reply

DUE DATE 4 March 17, 2025

Request for oral argument (may not be extended by stipulation)

DUE DATE 5 April 7, 2025

Petitioner’s sur-reply to reply to opposition to motion to amend

Motion to exclude evidence

DUE DATE 6 April 14, 2025

Opposition to motion to exclude

Request for prehearing conference

DUE DATE 7 April 21, 2025

Reply to opposition to motion to exclude

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DUE DATE 8 April 28, 2025

Oral argument (if requested)

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