

McGee, Sheldon

Subject: IPR2024-00380 - Requesting two-week extension to Due Dates 1-2 of the Scheduling Order

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Dear Honorable Board –

Patent Owner requests a two-week extension to Due Dates 1 and 2 in the Scheduling Order on the reference case, as shown below.

Due Date 1: from Sep. 16, 2024 to Sep. 30, 2024

Due Date 2: from Dec. 9, 2024 to Dec. 23, 2024

This is the first extension request that either party has made in this proceeding and will not affect any other dates.

The basis for this request is that Patent Owner’s counsel has been dealing with an ongoing illness which (coupled with the relatively small size of counsel’s firm) has introduced unforeseen delays in preparing Patent Owner’s response.

In view of the above, Patent Owner submits that good cause exists under 37 C.F.R. § 42.5(c)(2) to grant the requested extension.

We note that under comparable circumstances the Board has granted extensions of commensurate length. *See, e.g., Viptela, Inc. v. Fatpipe Networks Priv. Ltd.*, IPR2017-00684, Paper 14 at 2-3 (P.T.A.B. Oct. 3, 2017) (Granting Patent Owner’s requested two-week extension to Due Dates 1 and 2 over Petitioner’s opposition because “Petitioner... will not suffer any harm or prejudice if we extend DUE DATE 1 by two weeks so long as we also extend DUE DATE 2 by two weeks, thus providing Petitioner with the same amount of time to respond to Patent Owner’s Response and Motion to Amend as it has under the current Scheduling Order.”). *See also L’oreal Usa, Inc. v. Liqwd, Inc.*, PGR2018-00025, Paper 22 at 2-3 (P.T.A.B. Oct. 30, 2018) (Finding “good cause” under 37 C.F.R. § 42.5(c)(2) to grant Patent Owner’s requested two-week extension to Due Dates 1 and 2 on account of “its counsels’ recent work and travel schedule[,]” notwithstanding Petitioner’s opposition).

Patent Owner sought Petitioner’s consent for the requested extension. Counsel for Petitioner (copied on this correspondence) indicated they oppose the request.

Patent Owner therefore requests that the Board grant the referenced two-week extension to Due Dates 1 and 2 in the Scheduling Order or, alternatively, schedule a conference call with the parties to discuss the issue.

Respectfully,
Ariel Reinitz
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