

From: [Trials](#)
To: [Chandler Sturm](#); [Trials](#)
Cc: [Philip Y. Braginsky](#); [Nels T. Lippert](#); [Rachel J. Lin](#); [Grace Kim](#); [Gwilym Attwell](#); [griswold@fr.com](#); [IPR55766-0003IP1@fr.com](#)
Subject: RE: IPR2024-00611: Unopposed Motion for Extension of Time to File Preliminary Response Pursuant to 37 C.F.R. § 42.5
Date: Thursday, May 9, 2024 3:35:47 PM
Attachments: [image001.png](#)

Counsel,

From the Board –

Patent Owner is authorized to file its unopposed motion for extension of time to file its Preliminary Response as requested by electronic mail dated May 7, 2024.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Chandler Sturm <csturm@tarterkrinsky.com>
Sent: Tuesday, May 7, 2024 4:55 PM
To: Trials <Trials@USPTO.GOV>
Cc: Philip Y. Braginsky <pbraginsky@tarterkrinsky.com>; Nels T. Lippert <nlippert@tarterkrinsky.com>; Rachel J. Lin <rlin@tarterkrinsky.com>; Grace Kim <gkim@fr.com>; Gwilym Attwell <attwell@fr.com>; griswold@fr.com; IPR55766-0003IP1@fr.com
Subject: IPR2024-00611: Unopposed Motion for Extension of Time to File Preliminary Response Pursuant to 37 C.F.R. § 42.5

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Dear Honorable Board:

Patent Owner Evonik Operations GmbH and Evonik Corporation seeks permission to file the attached Unopposed Motion for Extension of Time to File Preliminary Response Pursuant to 37 C.F.R. § 42.5, requesting a two (2) week extension of time to file a preliminary response to Petitioner Air Products and Chemicals Inc. petition for *inter partes* review of U.S. Patent No. 10,471,380 (IPR 2024-00611). The preliminary response is presently due on June 7, 2024.

On Tuesday, April 30, 2024, the Board granted Petitioner's request to file a corrected Petition. The Board further stated that if Patent Owner seeks an extension of time to file its Preliminary Response, it should inform the Board within three business days (i.e., by May 3, 2024). In response, Patent

Owner timely filed its Unopposed Motion on Friday, May 3, 2024, but it was inadvertently incorrectly filed as a "Mandatory Notice". Patent Owner simultaneously sent its request via email to the Board.

As outlined in the Unopposed Motion, good cause exists for extending the due date for the preliminary response. In addition to the recent correction of the Petition, principals of Patent Owner (domiciled in Germany) have very limited availability in the month of May as a result of national holidays (e.g., Ascension Day (May 9, 2024) and Whit Monday (May 20, 2024)). The unavailability of persons directly contributing to the preliminary response provides good cause sufficient for the Board to grant this Motion.

Accordingly, Patent Owner requests permission to file its Unopposed Motion for Extension of Time requesting an additional two (2) weeks to file its preliminary response, making the deadline June 21, 2024. Patent Owner's counsel telephonically conferred with counsel for Petitioner on Friday, May 3, 2024, regarding the requested extension and intended motion. Petitioner's counsel does not oppose Patent Owner's request.

Best regards,
Chandler Sturm



Chandler Sturm | Associate

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Tarter Krinsky & Drogin LLP, Attorneys-at-Law.