

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AIR PRODUCTS AND CHEMICALS, INC.
Petitioner,

v.

EVONIK OPERATIONS GMBH and EVONIK CORPORATION
Patent Owner.

IPR2024-00611
Patent 10,471,380

Before JEFFREY W. ABRAHAM, AVELYN ROSS, and MICHAEL G.
McMANUS, *Administrative Patent Judges*.

McMANUS, *Administrative Patent Judge*.

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

Patent Owner moves¹ unopposed for a two-week extension of the time for filing its Patent Owner Preliminary Response, which is currently due on June 7, 2024, under 37 C.F.R. § 42.107(b).

The Petition in this proceeding was filed on February 23, 2024. The Notice of Filing Date Accorded issued on March 7, 2024, setting the deadline for the Patent Owner to submit its preliminary response on June 7, 2024. (Paper 3.) On February 29, 2024, Petitioner requested, and Patent Owner did not oppose, leave to correct an error in the Petition. The request was granted on April 30, 2024 and the corrected Petition was filed on May 1, 2024.

Patent Owner states that there is good cause for extension arising from the delay associated with the correction of the Petition and in view of certain holidays falling in May in Germany, where Patent Owner is domiciled. Petitioner does not oppose the Motion.

Based on these particular circumstances, the Panel is satisfied that Patent Owner has shown good cause for a limited extension. *See* 37 C.F.R. § 42.5(c). Accordingly, Patent Owner's motion for extension is granted in part such that the relevant date will be extended by one week.

In consideration of the foregoing, it is hereby ORDERED that Patent Owner may file its Preliminary Response by June 14, 2024.

¹ *See* Patent Owner's Unopposed Motion for Extension of Time to File Preliminary Response Pursuant to 37 C.F.R. § 42.5, filed May 10, 2024 (hereafter "Motion").

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