

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KOHLER CO.,
Petitioner,

v.

DELTA FAUCET CO.,
Patent Owner.

IPR2024-00700
Patent 10,393,363 B2

Before GRACE KARAFFA OBERMANN, JANE E. INGLESE, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

INGLESE, *Administrative Patent Judge*.

ORDER

Extending the Deadline for Issuing a Decision on Remand from
Director Review
37 C.F.R. § 42.5(a)

The Board issued a Final Written Decision (“Decision,” Paper 32) in this *inter partes* review of claims 1–24 of U.S. Patent No. 10,393,363 B2 (Ex. 1001, “the ’363 patent”). In the Decision, we determined that Petitioner established that claims 1, 2, 9 were unpatentable, but did not establish that claims 3–8 and 10–24 were unpatentable. Petitioner filed a request for Director review of the Decision (Paper 33) and Patent Owner filed an authorized response (Paper 34).

The Director issued an Order granting review, vacating in part the Board’s Decision, and remanding to the Board for further proceedings (“Order,” Paper 35).

Patent Owner’s counsel submitted an email requesting authorization to file a brief “outlining why the Board should maintain its prior conclusion, including that Petitioner failed to meet the preponderance of evidence standard even under the Director’s Review Decision.” Ex. 3002. Petitioner opposed Patent Owner’s request. *Id.* We issued an order authorizing both parties to file briefs addressing the Order (“additional briefing”). Paper 37. Patent Owner and Petitioner each filed such briefs. Papers 39, 38.

Due to the number of grounds and claims that we must address to fully respond to the Order, and due to the time necessary to analyze and address the parties’ additional briefing, we determine that good cause exists for extending the 30-day deadline set forth in the Order for issuing a decision on remand.

Accordingly, it is

ORDERED that the deadline for issuing a decision on remand from the Order is extended by 30 days.

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