

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISNEY MEDIA & ENTERTAINMENT DISTRIBUTION LLC,
Petitioner

v.

DIGITAL MEDIA TECHNOLOGY HOLDINGS, LLC,
Patent Owner.

Case No. IPR2024-00736
U.S. Patent No. 7,574,725

**PETITIONER'S AUTHORIZED RESPONSE IN OPPOSITION TO
PATENT OWNER'S REQUEST FOR EXTENSION**

Petitioner opposes Patent Owner's request. Petitioner has been patient and accommodating throughout this proceeding. Nonetheless, Patent Owner has missed deadlines, filed belated requests for substantially more time than should be necessary, and repeatedly requested extraordinary relief in typically routine matters. Patent Owner's actions have multiplied the work of the parties and the Board. Some examples of Patent Owner's delays, missed deadlines, and other issues ascribed to its Counsel's age or workload are listed below:

- Even after Petitioner ***agreed to a 6-week extension*** of the deadline to file its Patent Owner Response, Patent Owner still missed the newly agreed upon deadline. Patent Owner contacted the Board over a week after its missed deadline to ask for more time. When the Board conducted a conference call, Patent Owner attributed its lapses to, among other things, "lead counsel's age, low energy due to health issues," and other obligations. Paper 19, at 3. The Board concluded: "These arguments do not support a showing of good cause." *Id.*
- Patent Owner sought to stay the deadline to file its Patent Owner Preliminary Response for 3 weeks. ***Petitioner did not oppose.*** The Board did not agree that there was good cause for such a long extension, but granted a shorter two week extension nonetheless. Paper 7.
- Patent Owner filed a paper that was not in compliance with the Board's rules and, after this was pointed out by Petitioner, had to seek relief requesting authorization to file a corrected paper nearly two weeks after the original due date. Paper 13.

Patent Owner's justification for all of this has been the same as now: Counsel is physically incapable of complying with the Board's rules and procedures. Respectfully, as the Board previously stated, this is not good cause to continue granting PO extraordinary relief and driving up costs still further. Yet another extension will lead to yet another paper that Petitioner will need to respond to. Counsel has already been admonished for its delays, and the Board has "encourage[d] lead counsel to call upon the services of backup counsel as needed in order to ensure that all remaining deadlines in this proceeding are met." Paper 19 at 4. Patent Owner's choice to ignore the Board's suggestion, while continuing to claim Counsel's infirmity as justification to avoid compliance with the Board's rules, is not good cause. Patent Owner's request should be denied.

To the extent that the Director is inclined to consider Patent Owner's request, Petitioner would suggest a more modest extension of one week.

Dated: September 22, 2025

Respectfully submitted,

/s/ Benjamin Haber

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned certifies pursuant to 37 C.F.R. § 42.6(e)(1) that on September 22, 2025, a true and correct copy of PETITIONER'S AUTHORIZED RESPONSE IN OPPOSITION TO PATENT OWNER'S REQUEST FOR EXTENSION, together with all exhibits filed therewith was served in its entirety by filing this document through the PTAB P-TACTS system, as well as by email, on the counsel of record for the Patent Owner:

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