

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,
Petitioner,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00940
Patent 11,991,234 B2

GRANT OF GOOD CAUSE EXTENSION
35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)

Pursuant to 35 U.S.C. § 316(a)(11), “the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months” The Director has delegated the authority to extend the one-year period to the Chief Administrative Patent

Judge. *See* 37 C.F.R. § 42.100(c) (2025). In particular, 37 C.F.R.

§ 42.100(c) provides:

An *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be extended by up to six months for good cause by the Chief Administrative Patent Judge

On October 28, 2025, the Director issued a memorandum designating *Corning Optical Communications RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) precedential in part and recognizing that 35 U.S.C. § 312(a)(2) requires addressing properly raised issues about a petitioner’s identification of real parties in interest.¹ On October 31, 2025, counsel for Patent Owner DISH Technologies L.L.C. emailed the Board in view of the Director’s memorandum and precedential designation of *Corning Optical*, seeking “authorization to file a motion to dismiss the Petition for failure to name all real parties-in-interest, or, in the alternative, to seek targeted discovery into Petitioner Aylo Freesites Ltd.’s corporate structure and the decision-making leading to the filing of this proceeding.” Ex. 3004 (Patent Owner’s email). The Board granted Patent Owner’s request on November 7, 2025, authorizing Patent Owner to file an opening brief no later than 10 business days thereafter, authorizing Petitioner to file a responsive brief no later than 10 business after the filing of Patent Owner’s opening brief, and authorizing Patent Owner to file a reply brief 5 business days after the filing of Petitioner’s responsive brief. Paper 66.

¹ https://www.uspto.gov/sites/default/files/documents/Precedential_designation_of_Corning_Optical_Communications_RF_LLC_v._PPC_Broadband_Inc_Memo_-_Dated_10_28_25.pdf.

In the absence of an extension, a final written decision resolving this proceeding would be due no later than November 21, 2025, prior to the completion of the authorized briefing. *See* Paper 12 (Decision on Institution, dated November 21, 2024); 35 U.S.C. § 316(a)(11) (final written decision presumptively due no later than one year after entry of decision on institution). Accordingly, under the circumstances presented, good cause exists, in accordance with 37 C.F.R. § 42.100(c), to extend the one-year period for issuing a final written decision in this proceeding, should the proceeding not be dismissed following a determination by the Board whether Petitioner “identifie[d] all parties in interest” prior to institution in satisfaction of 35 U.S.C. § 312(a)(2).

Users, Deshpande,
Kalyan

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Kalyan K. Deshpande
Acting Chief Administrative Patent Judge

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