From: Director_PTABDecision_Review
To: Warrick, Philip; "sweidenfeller@cov.com"; dgarr@cov.com; ahansen@cov.com; SDC-Pictiva-IPR; #PictivaIPR
Subject: Response, March 11, 2025 - RE: IPR2024-01094 - Request for Extension of Time to Request Director Review
Date: Tuesday, March 11, 2025 9:52:00 AM

Dear Counsel,

A Decision Granting Institution in the above-referenced proceeding was issued on January 23, 2025. Any request for Director Review was due within 14 days of the Decision Granting Institution, or February 6, 2025. See 37 C.F.R. § 42.75(c)(1) and 37 C.F.R. § 42.71(d). Patent Owner's March 4, 2025 request for an extension of time to file a Director Review request, therefore, is untimely. Patent Owner's Director Review request filed on March 7, 2025 is also untimely and will not be considered.

Thank you.

From: Warrick, Philip <pwarrick@irell.com>
Sent: Tuesday, March 4, 2025 11:57 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: 'sweidenfeller@cov.com' <sweidenfeller@cov.com>; dgarr@cov.com; ahansen@cov.com; SDC-Pictiva-IPR <SDC-Pictiva-IPR@cov.com>; #PictivaIPR <PictivaIPR@irell.com>
Subject: IPR2024-01094 - Request for Extension of Time to Request Director Review

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Dear Acting Director Stewart:

Pursuant to 37 C.F.R. § 42.75(c)(1), Patent Owner Pictiva Displays International Ltd. ("Patent Owner") respectfully requests an extension of time until this Friday, March 7, 2025, to Request Director Review of the Board's Institution Decision (Paper 11) in IPR2024-01094. Good cause exists to extend the two-week deadline for seeking Director Review of this January 23, 2025 decision.

Last Friday, February 28, 2025, the USPTO effected a significant change in policy regarding the Board's exercise of discretion to deny petitions for inter partes review under Section 314(a). Specifically, the agency rescinded its June 21, 2022 "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" memorandum ("Guidance Memo"). That document served to depress discretionary denials by providing bright-line rules regarding, among other things, the use of stipulations pertaining to parallel district court litigation. Good cause exists for an extension because Patent Owner could not have reasonably foreseen that this Guidance Memo would be rescinded only weeks after the Board's Institution Decision.

In this proceeding, ***the Board's Institution Decision expressly relied upon the rescinded Guidance Memo*** to shortcut the analysis required by precedential decisions such as *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential), and *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A). *See* Paper 11, at 9-11. That may have been appropriate under the Guidance Memo, but it is not consistent with current

agency precedent.

Accordingly, Patent Owner respectfully seeks an extension until this Friday, March 7, 2025, to submit a formal Request for Director Review pursuant to 37 C.F.R. § 42.75.

Regards,

Philip Warrick
Irell & Manella LLP
(202) 777-6512

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