

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOYMILES USA, INC.

Petitioner,

v.

CYBOENERGY, INC.,

Patent Owner

Inter Partes Review No.: IPR2024-01106

U.S. Pat. No. 8,786,133

**PATENT OWNER'S REQUEST FOR
EXTENSION OF TIME TO FILE PRELIMINARY RESPONSE**

Pursuant to 37 C.F.R. § 42.5(c), Patent Owner respectfully requests an extension of time to file its Preliminary Response in the above-captioned Inter Partes Review proceeding. The current deadline for filing the Preliminary Response is October 16, 2024 and Patent Owner seeks a one-week extension of this deadline to October 23, 2024. Petitioner does not oppose this Request.

The Board authorized the filing of this Request in an email dated October 16, 2024.

Good Cause for Extension:

Patent Owner submits that there is good cause for such an extension. Patent Owner and Petitioner have reached an agreement in principle to settle their underlying litigation. Part of that agreement will include terminating this IPR once the agreement is finalized and signed by both parties. Unfortunately, finalizing the settlement agreement has taken longer than expected. Patent Owner seeks the extension of the POPR deadline to provide the time for finalizing the settlement agreement and seeking permission to terminate the IPR before the Board uses its resources and time to analyze and rule on the Petition.

Given the advanced status of these settlement discussions, Patent Owner respectfully requests that the Board extend the deadline for filing the Preliminary Response by one week, until October 23, 2024.

This Request is made in good faith and not for the purpose of undue delay. The requested extension will allow both parties the opportunity to finalize the settlement agreement, which would benefit both parties and conserve the Board's resources.

Conclusion:

For the reasons stated above, Patent Owner respectfully requests that the Board grant this Request and extend the deadline for the Preliminary Response by one week, until October 23, 2024.

Dated: October 16, 2024

Respectfully Submitted,

/s/ Gianni Minutoli

Gianni Minutoli

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Attorney for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Request For Extension Of Time To File Preliminary Response has been served via electronic mail upon the following:

Darlene F. Ghavimi-Alagha (Darlene.Ghavimi@klgates.com)

Matthew Blair (Matthew.Blair@klgates.com)

Dated: October 16, 2024

Respectfully Submitted,

/s/ Gianni Minutoli

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