

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS COL., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., AND
NXP SEMICONDUCTORS, N.V.

Petitioner,

v.

HARBOR ISLAND DYNAMIC, LLC,

Patent Owner.

Patent No. 7,745,886
Filing Date: September 29, 2008
Issue Date: June 29, 2010

Inventors: Robert L. Zwingman and Marco Racanelli
Title: SEMICONDUCTOR ON INSULATOR (SOI)
SWITCHING CIRCUIT

PATENT OWNER'S MOTION FOR EXTENSION OF TIME
Case No. IPR2024-01402

Mail Stop
Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Pursuant to 37 C.F.R. §§ 90.2(a), 90.3 and 35 U.S.C. §§ 141(c), 142, and 319, Harbor Island Dynamic, LLC (“Patent Owner”) respectfully moves for a retroactive extension of time to file its notice of appeal in this matter. Under the rules Patent Owner’s notice of appeal was due to be filed on May 18, 2026. Patent Owner filed its notice of appeal instead on May 26, 2026. The delay was a result of a docketing error that constitutes excusable neglect. Declaration of Victor M. Padro at 1. Under 37 C.F.R. § 90.3 “[t]he Director, or his designee, may extend the time for filing an appeal, or commencing a civil action, upon written request if: . . . (ii) Requested after the expiration of the period for filing an appeal of commencing a civil action, and upon a showing that the failure to act was the result of excusable neglect.” 37 C.F.R. § 90.3.

The Supreme Court had laid out a standard for excusable neglect in similar statutes and rules, which has been adopted by the Federal Circuit. As the Federal Circuit explained:

[T]he Supreme Court defined “excusable neglect” in the context of Fed. Bankr. Proc. Rule 9006(b)(1) first by noting that Congress, by using the term “neglect,” indicated that courts “would be permitted, where appropriate, to accept late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond the party’s control.” *Pioneer Inv.*, 507 U.S. at 388, 113 S.Ct. 1489. Regarding the term “excusable,” the Supreme Court stated that such an “equitable” determination would include factors such as “the danger of prejudice to the [other side], the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith.” *Id.* at 395, 113 S.Ct. 1489. The requirement that the neglect be “excusable,” the Supreme Court explained, would deter parties from “freely ignoring court-ordered deadlines.”

Amgen Inc., v. Hoechst Marion Roussel, Inc., 25 F.App’x 923, 924, (CAFC 2001) (citing *Pioneer Inv. Serv. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 113 S.Ct. 1489 (1993)).

In *Amgen*, the district court held that claims 4–9 of one of Amgen’s patents were not infringed. *Id.* Amgen filed a notice of appeal designating review of the district court’s judgment that claims 4–8 were not infringed but omitting claim 9 due to a typographical error. *Id.* After the expiration of the time to appeal, Amgen filed a motion in the district court for an extension of time to file a second notice of appeal to include claim 9, which the district court granted, and the Federal Circuit affirmed. *Id.*

This case is no different. Patent Owner’s notice of appeal was late due to a docketing error in which staff members neglected to calendar the deadline. Declaration of Victor M. Padro at 1. Each staff member assumed that another staff member was responsible for calendaring the deadline, and thus the due date was not properly set in the firm’s calendaring and docketing software. *Id.* Patent Owner’s counsel did not realize the deadline was impending or passed until May 26, while examining the status of various cases.¹ This mistake squarely falls within the Supreme Court’s definition of excusable neglect under which courts may “accept late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond the party’s control.” *Pioneer Inv.*, 507 U.S. at 388.

¹ Counsel for co-Petitioner also informed Patent Owner counsel that the notice of appeal deadline had passed.

This neglect is also excusable. In making the determination whether neglect was excusable, courts look at whether “the danger of prejudice to the [other side], the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith.” *Id.* at 395. Here there is no conceivable prejudice to Petitioners based on an eight-day delay. The appeal can still go forward with virtually identical dates. And, Patent Owner filed this motion as soon as it discovered the deadline had passed. Finally, just as in *Amgen*, “although arguably within the reasonable control of [Appellant], it was not an attempt to ‘ignor[e] court-ordered deadlines.’” *Amgen*, 25 F. App’x 924–25.

Accordingly, Patent Owner respectfully requests that the deadline for filing its notice of appeal be extended until May 26, 2026.

Respectfully submitted,

Dated: May 26, 2026

By: /Joseph M. Mercadante /
Joseph M. Mercadante (Reg. No. 64,077)
Fabricant, Rubino & Lambrianakos LLP
411 Theodore Fremd Avenue,
Suite 206 South
Rye, New York 10580
Tel. 212-257-5797
Fax. 212-257-5796
Email: jmercadante@frlip.com

CERTIFICATE OF SERVICE

A copy of Patent Owner's MOTION FOR EXTENSION OF TIME and DECLARATION OF VICTOR M. PADRO has been served on Petitioners' counsel of record as follows:

Joshua L. Goldberg
Email: joshua.goldberg@finnegan.com
Alexander E. Harding
Email: alexander.harding@finnegan.com
Chen Zang
Email: chen.zang@finnegan.com
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
901 New York Avenue NW
Washington, DC 20001-4413

Abhay A. Watwe
Email: abhay.watwe@finnegan.com
Biju I. Chandran
Email: biju.chandran@finnegan.com
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
1875 Explorer Street, Suite 800
Reston, VA 20190-6023

Shawn S. Chang
Email: shawn.chang@finnegan.com
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
271 17th Street, NW, Suite 1400
Atlanta, GA, 30363-6209

*Attorneys for Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.*

Eagle H. Robinson
eagle.robinson@nortonrosefulbright.com
Eric C. Green
eric.green@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
98 San Jacinto Boulevard, Suite 1100
Austin, Texas 78701-4255

Richard S. Zembek
richard.zembek@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
1550 Lamar Street, Suite 2000
Houston, Texas 77010

Jiang Wu
Jiang.wu@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
1045 W. Fulton Market
Chicago, Illinois 60607

Attorneys for NXP Semiconductors N.V

May 26, 2026

By: /Joseph M. Mercadante /
Joseph M. Mercadante (Reg. No. 64,077)
Lead Counsel for Patent Owner

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AFFIDAVIT OF VICTOR PADRO

I, Victor M. Padro, hereby declare and state as follows:

1. I am a senior IP Litigation Paralegal at the firm of Fabricant, Lambrianakos & Rubino LLP. As part of my duties, I am assigned to supervise docketing for Inter Partes Review No. 2024-01402.
2. On March 16, 2026, I and my subordinates received the Final Written Decision in this matter. I and my subordinates understood that the deadline was 63 days from receiving the Final Written Decision.
3. Due to a miscommunication, I did not instruct any of my subordinates to calendar the date. I assumed one of my subordinates had done so; my subordinates believed that I or another staff member had calendared the date.
4. Neither I nor my subordinates discovered this omission until May 26, 2026, after an inquiry from the attorneys on the case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED in Larchmont, New York, this 26th day of May 2026.



Victor M. Padro