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Paper 11.
Entered: January 24, 2025.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DECENT ESPRESSO INTERNATIONAL LTD.,

Petitioner,

v.

DUVALL ESPRESSO IP ENFORCEMENT, LLC,

Patent Owner.

IPR2024-01483
Patent 11,576,524 B2

IPR2024-01492
Patent 10,772,456 B2[1]

Before JAMES J. MAYBERRY, ERIC C. JESCHKE, and RICHARD H. MARSCHALL, *Administrative Patent Judges.*

MARSCHALL, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion for Extension of Time
37 C.F.R. § 42.5

[1] The parties are not authorized to utilize a caption addressing multiple proceedings without prior permission from the Board.

On January 10, 2025, Patent Owner filed a Motion for Extension Under 37 C.F.R. § 42.5, seeking to move the deadline for its Preliminary Responses in these proceedings by three weeks, from January 13 to February 3, 2025. Paper 10, 1.[2] Patent Owner contends that good cause supports its Motion because (1) the Petitions in these cases "assert multiple grounds and multiple references in said grounds against all claims of the patents challenged, and are each over seventy-five pages in length, not including exhibits," (2) Patent Owner's counsel "principally" in charge of preparing the Preliminary Responses also has "an active transactional and litigation docket, including acting as lead counsel in" an unrelated case that was scheduled for a January 2025 trial before being "recently moved" to a February 2025 trial date, (3) this is the first request for extension of time Patent Owner has sought, (4) "the requested three-extension is minimal considering the grounds asserted in the petitions and also considering the multiple Federal holidays that occurred in November, December, and January that resulted in the undersigned's firm closure for said holidays," and (5) Petitioner does not oppose the extension requested by Patent Owner. *Id.* at 2.

We granted Patent Owner's Motion via email on January 13, 2025. Ex. 3001. We indicated that we were granting the Motion via email due to "the urgent nature of the Motion"—Patent Owner filed the Motion after

[2] For ease of reference, we cite to the Motion in IPR2024-01483. Patent Owner filed a substantially similar Motion in IPR2024-01492.

close of business the last business day before its Preliminary Responses were due[3]—and indicated that "an Order will follow at a later date." *Id.*

Rule 37 C.F.R. 42.5(c)(2) provides that "[a] request for an extension of time must be supported by a showing of good cause." We do not find several of Patent Owner's arguments for "good cause" persuasive. For example, responding to petitions asserting multiple grounds based on multiple references, totaling over 75 pages in length, are routine rather than a basis for good cause, and would not, standing alone, justify moving the deadline for a preliminary response. *See* Motion 2. Similarly, the fact that the three months Patent Owner had to prepare its Preliminary Responses encompassed several federal holidays does not support its position because such holidays are easily foreseeable. *See id.* Nevertheless, based on Patent Owner's representation that its counsel devoted substantial time to preparing for a district court trial scheduled, until recently, for January 2025, and the fact that Patent Owner has not previously sought any extensions of time in these cases provides good cause for granting the Motion. We also appreciate Petitioner's lack of opposition to the Motion, and we see no prejudice to Petitioner based on the three-week extension.

Accordingly, it is hereby

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[3] We do not recommend waiting until the evening before a deadline to move for an extension of time given that the need for an extension should have been apparent well before that time. If the Panel was not available to review and decide the Motions on January 13, Patent Owner would have had to file its Preliminary Responses on that date or filed them late and sought permission to do so after the fact, without any assurance that we would have considered the late filings.

ORDERED that Patent Owner's Motions for extensions of time for the Patent Owner Preliminary Responses in the above-listed proceedings is *granted*; and

FURTHER ORDERED that the deadline for filing Patent Owner's Preliminary Responses in each of the above-listed proceedings is February 3, 2025.

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