

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN AXLE & MANUFACTURING, INC.,
Petitioner,

v.

NEAPCO COMPONENTS, LLC,
Patent Owner.

IPR2025-00090 (Patent 11,434,958 B2)
IPR2025-00091 (Patent 11,598,376 B2)¹

Before LINDA E. HORNER and GEORGE R. HOSKINS,
Administrative Patent Judges.

HOSKINS, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This Order addresses identical issues in each of the above-identified cases. Accordingly, we exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading without prior authorization.

On July 11, 2025, we granted the parties’ joint request in these cases to modify the briefing schedule concerning a potential Motion to Submit Supplemental Information from Petitioner, requiring any such Motion to be filed no later than July 18, 2025. *See* Paper 21.²

On July 17, 2025, the parties filed a Joint Motion for a two-week extension of that deadline to August 1, 2025, asserting good cause exists due to ongoing and meaningful settlement discussions between the parties, and because counsel for Petitioner is experiencing family-related health issues. *See* Paper 22 (“the Motion for Extension”).

We conclude the Motion for Extension is improper because the parties did not seek Board authorization for filing it. *See* 37 C.F.R. § 42.20(b) (“*Prior authorization.* A motion will not be entered without Board authorization.”); Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019) (“the Practice Guide”),³ 37–38 (“a party should request a conference call to obtain such authorization” and “[t]ypically, the Board will decide procedural issues raised in a conference call during the call itself or shortly thereafter, thereby avoiding the need for additional briefing”).

This marks the second time in these cases that counsel has demonstrated a lack of familiarity with the procedures governing the proceedings, firstly as set forth in the Scheduling Order (*see* Paper 21) and now as set forth in the Board’s Rules and the Practice Guide. Therefore, we encourage counsel to review the Rules and the Practice Guide prior to taking further action in these proceedings. This includes, for example, any motion

² For expediency, we cite to Papers in IPR2025-00090. Substantially identical Papers may be found in IPR2025-00091.

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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to terminate the proceedings due to settlement. *See, e.g.*, 37 C.F.R. § 42.74 (“**Settlement**”).

Upon consideration and in view of strong public policy reasons favoring settlement, we authorize entry of the Motion for Extension *ex post facto* and **grant** the Motion for Extension despite its impropriety. Thus, it is:

ORDERED that Petitioner shall file any Motion to Submit Supplemental Information no later than August 1, 2025, and any such Motion shall be no more than 10 pages in length;

FURTHER ORDERED that Patent Owner shall file any Opposition within two weeks of the Motion, and any such Opposition shall be no more than 10 pages in length; and

FURTHER ORDERED that Petitioner shall file any Reply within one week of the Opposition, and any such Reply shall be no more than 5 pages in length.

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