

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBUS MEDICAL, INC.,
Petitioner,

v.

SPINELOGIK, INC.,
Patent Owner.

IPR2025-00225 (Patent 9,730,805 B1)
IPR2025-00226 (Patent 8,460,385 B1)¹

Before JAMES A. TARTAL, ERIC C. JESCHKE, and
MATTHEW S. MEYERS
Administrative Patent Judges.

MEYERS, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Request to Amend Due Dates 1 and 2
37 C.F.R. § 42.5(c)

¹ The parties are not authorized to use this heading. Unless noted otherwise any citation to the record refers to IPR2025-00225.

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On October 13, 2025, Patent Owner emailed the Board requesting a conference call “to file a Motion to Amend Due Dates 1 and 2 due to an inadvertent docketing error, and in order to allow for adjudication of these important matters on the full merits.” Ex. 3001. The email indicated that “[t]he docketing error was related to a change of firm by lead counsel.” *Id.* Patent Owner proposes amending “Due Date 1 (Patent Owner’s Response Only): October 28, 2025 (Original: October 14, 2025)” and “Due Date 2 (Petitioner’s Reply Only): January 20, 2025 (Original: January 6, 2025).” *Id.* The email further states that Petitioner opposes Patent Owner’s requested extension because “[t]he alleged ‘docketing error’ is Patent Owner’s failure to track the deadline plainly laid out in the Combined Scheduling Order (Paper 10), which Petitioner does not believe constitutes ‘good cause.’” *Id.*

The Patent Owner Response was originally due on October 14, 2025. Paper 10, 11. The Combined Scheduling Order allows the parties to stipulate to different dates for certain deadlines, including the deadline for the Patent Owner’s Response to the Petition, but the parties have not done so in these proceedings.

Under 37 C.F.R. § 42.5(c)(3), “[a] late action will be excused on a showing of good cause or upon a Board decision that consideration on the merits would be in the interests of justice.” On the limited record, we decline to determine whether good cause exists to grant Patent Owner’s request to amend Due Dates 1 and 2. Nevertheless, we find that amending Due Dates 1 and 2 would be in the interests of justice. *See* 37 C.F.R. § 42.5(c)(3). The consequences of failing to file a Response to the Petition in an *inter partes* review are severe. If the Patent Owner does not respond to Petitioner’s allegations, the Board must base its patentability decision

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entirely on the allegations in the Petition without the benefit of Patent Owner's arguments in response. Here, Patent Owner attempted to stipulate to a different date for its Response prior to Due Date 1, and we do not see much prejudice, if any, to the Petitioner, if Petitioner is still given the same amount of time to prepare and file its Reply according to Patent Owner's proposed Due Date 2.

Accordingly, Patent Owner's Response to the Petition and accompanying exhibits will be accepted into the record before amended Due Date 1. The trial schedule is hereby modified as set forth below in order to accommodate the late filing without causing unfair prejudice to Petitioner's interests.

ORDER

We conclude that it is in the interests of justice to amend Due Dates 1 and 2, and consider Patent Owner's Response to the Petition on the merits.

Accordingly, it is:

ORDERED that Patent Owner's request to amend Due Date 1, for an extension of time to file a Response to the Petition to October 28, 2025, is retroactively granted;

FURTHER ORDERED that Petitioner's Reply to Patent Owner's Response is due on January 20, 2025; and

FURTHER ORDERED that the remaining Due Dates are unchanged from the dates set forth in the Combined Scheduling Order (Paper 10).

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