Trials@uspto.gov
571.272.7822

Paper 12
Date: April 18, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.
Petitioner,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

IPR2025-00365
Patent 11,234,117

Before Megan Carlson, *Deputy Chief Clerk, Appeals*

NOTICE
Extending Deadline for Discretion Briefing

Under the *Interim Processes for PTAB Workload Management Memorandum* ("Memorandum") issued on March 26, 2025,[1] the decision whether to institute review in this proceeding will be bifurcated between (i) discretionary considerations and (ii) merits and other non-discretionary statutory decisions. Memorandum 1. The Memorandum provides that, within two months of the entry of the Notice of Filing Date Accorded, a patent owner may file a brief explaining any bases for discretionary denial. *Id.* at 2. A petitioner may file an opposition brief no later than one month after the patent owner files its brief. *Id.*

The processes described in the Memorandum apply to any *inter partes* review or post-grant review proceeding where the: (1) deadline for the patent owner to file a preliminary response has not yet passed; or (2) deadline for the patent owner to file a preliminary response has not yet passed and the time for filing discretionary briefing has elapsed. *Id.* at 3. The Memorandum does not address the circumstance in which the time for filing discretionary briefing has not yet elapsed, but will elapse in one month or less—that is, petitions accorded a filing date between January 27, 2025 and February 27, 2025. *Id.* The petition for *inter partes* review filed in the above-referenced proceeding was accorded a filing date between January 27, 2025 and February 27, 2025. To address this situation, in this case, Patent Owner may file a brief for discretionary denial within one month of the date

[1] Available at https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf?utm_campaign=subscriptioncenter&utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

of this notice. Petitioner may file an opposition no later than one month after Patent Owner files its brief.

PETITIONER:

Counsel for Petitioner Google LLC

Elisabeth H. Hunt
Gregory S. Nieberg
Michael S. Parsons
Andrew R. Varrenti
WOLF, GREENFIELD & SACKS, P.C
ehunt-ptab@wolfgreenfield.com
gnieberg-ptab@wolfgreenfield.com
mparsons-ptab@wolfgreenfield.com
avarrenti-ptab@wolfgreenfield.com

Counsel for Petitioner Samsung

Benjamin Haber
William M. Fink
Patric M. Reinbold
Caitlin Hogan
O'MELVENY & MYERS LLP
bhaber@omm.com
tfink@omm.com
preinbold@omm.com
chogan@omm.com

PATENT OWNER:

Peter F. Snell
Brad M. Scheller
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
pfsnell@mintz.com
bmscheller@mintz.com