

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

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IPR2025-00747  
Patent No. 11,957,271

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**PATENT OWNER'S MOTION FOR EXTENSION UNDER 37 C.F.R. § 42.5**

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## **I. PROCEDURAL BACKGROUND**

On March 17, 2025, the Petitioner filed its IPR Petition in the above-referenced proceeding (Paper 1). *See* Paper 1. On April 15, 2025, the Board issued a Notice of Filing Accorded to Petition and Time for Filing Patent Owner Preliminary Response (“Paper 5”) in the above-referenced proceeding, making a response deadline of July 15, 2025, to file any preliminary response to said petition. Paper 5, at 1.

## **II. GOOD CAUSE EXISTS FOR AN EXTENSION**

The rules provide the Board the ability to grant a party an extension of time if a showing of good cause is shown. 37 C.F.R. § 42.5(c)(2). The Federal Circuit has examined the “good cause” standard with respect to extensions before the period to respond has expired by factoring in whether the requesting party has shown negligence or bad faith, whether in prior extensions have been requested, and length of requested extension. *See Araujo v. Framboise Holdings Inc.*, 99 F.4th 1377, 1380 (Fed. Cir. 2024); *see also Ultratec, Inc. v. CaptionCall, LLC*, 872 F.3d 1267, 1272 (Fed. Cir. 20217) (“Specifically, to show good cause, a party would be required to make a particular and specific demonstration of fact.”)

As an initial matter, Patent Owner acknowledges filing for an extension on the day of the deadline is not preferred and, moving forward, will certainly not endeavor to file in this fashion. That said, Patent Owner respectfully requests a six-day

extension from the July 15, 2025, deadline in which to file its preliminary responses to Patent Owner's petitions, i.e., up and through July 21, 2025. The lengthy petition in IPR2025-0074 asserts multiple grounds and multiple references, including base references against the independent claim in the '271 Patent. *See* Paper 1. Patent Owner's preliminary responses are going to be principally prepared by undersigned counsel. In addition to preparing for a jury trial that was set for May, and then moved to August, in *Conley v. Vacanti*, Case No. 23-cv-60384 (S.D. Fla.), undersign lead counsel has, and had, an active transactional and litigation docket. Additionally, both lead counsel for Patent Owner and Patent Owner have been out of the office recently that has made finalizing the preliminary response a bit time consuming. This is Patent Owner's first requested extension in this proceeding and Patent Owner submits the requested six-day extension is minimal considering the grounds asserted in the petition and aforementioned reasons. Patent Owner has also reached out to opposing counsel in this matter, who does not oppose the relief requested herein.

### **III. RELIEF REQUESTED**

For the reasons set forth above, Patent Owner submits good cause has been demonstrated and respectfully requests until July 21, 2025, to file its preliminary response to the petition in the underlying proceeding.

Respectfully submitted,

Dated: July 15, 2025

/Mark C. Johnson/

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on July 15, 2025, via email to counsel for Petitioner, i.e., Perry S. Clegg ([perry.clegg@johnsonmartinlaw.com](mailto:perry.clegg@johnsonmartinlaw.com)), Matthew S. Nelles ([matt.nelles@johnsonmartinlaw.com](mailto:matt.nelles@johnsonmartinlaw.com)), and James David Johnson ([david.johnson@johnsonmartinlaw.com](mailto:david.johnson@johnsonmartinlaw.com)).

Respectfully submitted,

/Mark C. Johnson/

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Counsel for Patent Owner