

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HENRI DAUSSI, LLC,
Petitioner,

v.

ECNA, LLC,
Patent Owner.

IPR2025-00807
Patent 9,398,791 B1

Before BART A. GERSTENBLITH, ROBERT L. KINDER, and
RYAN H. FLAX, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Unopposed Motion to Extend Due Date for
Preliminary Response
37 C.F.R. § 42.5(c)(2)

Ecna, LLC (“Patent Owner”) is the owner of U.S. Patent 9,398,791 B1 (Ex. 1001, “the ’791 patent”). Paper 4 (Patent Owner’s Mandatory Notice), 1. Henri Daussi, LLC. (“Petitioner”) filed a Petition for *inter partes* review challenging claims 1–14 of the ’791 patent. Paper 1 (“Pet.”).

Patent Owner moves, unopposed, to extend the due date of the preliminary response by 60 days, i.e., from July 17, 2025, to September 15, 2025. Paper 7 (“Motion” or “Mot.”). Patent Owner asserts that good cause exists to extend this due date because of professional complications for its lead counsel, Keith J. Grady, relating to changing law firms and relocating “across the country.” *Id.* at 2. Moreover, Patent Owner asserts that the parties are engaged in settlement discussions, which would be furthered by the sought extension of due date. *Id.*

Under 37 C.F.R. § 42.5, “[t]he Board may determine a proper course of conduct in a proceeding for any situation not specifically covered by this part and may enter non-final orders to administer the proceeding,” and under part (c)(2), may change due dates upon a party’s request, “supported by a showing of good cause.”

Based on Patent Owner’s uncontested assertions noted above, we find good cause exists to extend by 60 days the due date for Patent Owner to file a preliminary response. We therefore extend the due date for filing the preliminary response to September 15, 2025.¹

¹ The due date for any institution decision also will likely change because it is due within three months from the date the Board receives the preliminary response or, if none is filed, the last date the preliminary response may have been filed, which is now September 15, 2025. 35 U.S.C. § 314(b)(1).

Counsel Grady is currently indicated by Patent Owner to be back-up counsel and that he will be moved for admission to appear *pro hac vice*. Paper 4, 2. In view of the assertions in Patent Owner's Motion certified to be good cause for the extension of due date, Mr. Grady's sought admission and his conversion to lead counsel should be expedited by Patent Owner.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's Motion to extend the due date for filing a preliminary response is *granted*; and

FURTHER ORDERED that Patent Owner's preliminary response is due by September 15, 2025.

IPR2025-00807
Patent 9,398,791 B2

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