

From: [Director Discretionary Decision](#)
To: [Steve Schreiner](#); [Director Discretionary Decision](#)
Cc: [Berniker, Jessamyn](#); [usaa-iprs@irell.com](#); [USAA-IPRs](#); [Christopher R. Abidin](#); [Carmichael, Jim \(External\)](#); [Mitch Yang](#); [Susan Stiles](#); [Maurer, Aaron](#); [Asokan, Priya](#)
Subject: RE: Fifth Third Bank, N.A. v. United Services Automobile Ass'n, IPR2026-00277; IPR2026-00279--Extension of Time for Requests for Discretionary Denial
Date: Tuesday, September 8, 2026 10:17:40 AM
Attachments: [image001.png](#)

Patent Owner may file the motion and must do so by September 9, 2026.

From: Steve Schreiner <schreiner@carmichaelip.com>
Sent: Friday, September 4, 2026 12:09 PM
To: [Director_Discretionary_Decision](#) <Director_Discretionary_Decision@uspto.gov>
Cc: [Berniker, Jessamyn](#) <JBerniker@wc.com>; [usaa-iprs@irell.com](#); [USAA-IPRs](#) <USAA-IPRs@carmichaelip.com>; [Christopher R. Abidin](#) <Chris@carmichaelip.com>; [Carmichael, Jim \(External\)](#) <jim@carmichaelip.com>; [Mitch Yang](#) <Mitch@carmichaelip.com>; [Susan Stiles](#) <Susan@carmichaelip.com>; [Maurer, Aaron](#) <AMaurer@wc.com>; [Asokan, Priya](#) <pasokan@wc.com>
Subject: Fifth Third Bank, N.A. v. United Services Automobile Ass'n, IPR2026-00277; IPR2026-00279--Extension of Time for Requests for Discretionary Denial

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Director Squires:

In connection with the above IPRs, there is a parallel district court action in Eastern District of Texas with a Scheduling Conference set for September 30, 2026, at which time Judge Rodney Gilstrap will assign a trial date.

Patent Owner USAA's Requests for Discretionary Denial (RDDs) are currently due before the Scheduling Conference, on September 13, 2026. Because September 13 falls on a Sunday, the deadline extends to September 14, 2026.

Patent Owner requests leave to file a motion requesting that the Director grant (1) a three-week extension of time on the RDDs from the current due date of September 14, 2026, to October 5, 2026; (2) an extension of the due date for Petitioner Fifth Third Bank's Oppositions to the RDDs from October 13, 2026, to November 5, 2026; and (3) an extension of the due date for the Patent Owner Preliminary Responses (POPRs) from October 13, 2026, to November 5, 2026, so that the POPRs are not filed in the middle of the RDD briefing sequence.

Patent Owner will not rely on the extension, or any timing changes in the proceedings that the extension introduces, to argue that the petitions should be denied.

Good cause exists for the requested extension because it will permit the parties to brief the *Fintiv* issue based on the actual trial date, thereby allowing the Director to assess discretionary denial on a more complete factual record.

Patent Owner has conferred with Petitioner, which does not oppose the requested extension. Counsel for Patent Owner and Petitioner are generally available for a phone call to discuss the requested extension Tuesday through Thursday of next week.

Respectfully,

Stephen Schreiner



Stephen T. Schreiner
Carmichael IP, PLLC
8607 Westwood Center Drive, Suite 270
Tysons, VA 22182
(703) 646-9254
schreiner@carmichaelip.com