

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIFTH THIRD BANK, N.A.

Petitioner,

v.

UNITED SERVICES AUTOMOBILE ASSOCIATION,

Patent Owner.

Case No. IPR2026-00279

U.S. Patent No. 12,159,310

**PATENT OWNER'S UNOPPOSED MOTION FOR EXTENSION OF
TIME FOR REQUEST FOR DISCRETIONARY DENIAL AND PATENT
OWNER PRELIMINARY RESPONSE**

Pursuant to 37 C.F.R. §§ 42.5(c) and 42.20, Patent Owner United Services Automobile Association (“USAA”) respectfully requests an extension of time for the due dates for Patent Owner’s request for discretionary denial (“RDD”), Petitioner’s opposition to the RDD, and the Patent Owner preliminary response (“POPR”).

Specifically, Patent Owner requests that the Director grant (1) a three-week extension of time for the RDD 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 N.A.’s Opposition to the RDD from October 13, 2026, to November 5, 2026; and (3) an extension of the due date for the POPR from October 13, 2026, to November 5, 2026.

Under the current schedule, Patent Owner’s RDD is due September 14, 2026, which is prior to the scheduling conference set for September 30, 2026, in the parallel district court action in *United States Automobile Association v. Fifth Third Bank, N.A.*, Case No. 2:26-cv-00595-JRG (E.D. Tex.), at which time Judge Rodney Gilstrap will assign a trial date. Under the current schedule, Patent Owner would not be able to brief the *Fintiv* issue in its RDD using the assigned trial date.

Good cause exists for the requested extension for the RDD papers 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. Good cause exists for the extension of the date for the POPR so that the POPR merits brief is not filed during the RDD briefing sequence.

Patent Owner has conferred with Petitioner, which does not oppose the requested extension, provided Patent Owner will not rely on the extension, or any timing changes in the proceedings that the extension introduces, to argue that the petition should be denied. Patent Owner sent an email to the Director on September 4, 2026, requesting leave to file this motion, which was granted in the Director's email of September 8, 2026. See Ex. 3102.

There is precedent for the Director granting similar extensions. For example, in *Apple, Inc. v. SiOnyx, LLC*, IPR2025-00689, the parties requested a three-week extension of the discretionary denial deadlines because of ongoing settlement discussions. The Director granted the requested relief and extended the schedule by one month, including the dates for the RDD, the petitioners' opposition to the RDD, and the POPR. See IPR2025-00689, Ex. 3101 (granting extensions of one month for all dates). Similarly, in *LG Electronics, Inc. v. Maxell, Ltd.*, IPR2025-00392, the parties requested and received a one-month extension of all deadlines. See IPR2025-00392, Ex. 3101 (granting extensions of one month for all dates).

In this case, the requested extension of time is reasonable under the circumstances and is supported by good cause. Accordingly, Patent Owner requests that the due dates be modified as follows:

Paper	Current Deadline	Revised Deadline
Patent Owner Request for DD	Sept. 14, 2026	Oct. 5, 2026
Petitioner Opposition to RDD	Oct. 13, 2026	Nov. 5, 2026
Patent Owner POPR	Oct. 13, 2026	Nov. 5, 2026

Dated: September 8, 2026

Respectfully submitted,

/Stephen T. Schreiner/

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2026, I caused a true and correct copy of the foregoing Patent Owner's Unopposed Motion for Extension of Time For Request for Discretionary Denial and Patent Owner Preliminary Response to be served on the following counsel for Petitioner by electronic mail to the following email addresses:

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