

From: [Trials](#)
To: [Bucca, Daniel](#); [Trials](#)
Cc: [mark.feldstein@finnegan.com](#); [Kenneth.Guerra@finnegan.com](#); [raj.gupta@finnegan.com](#); [UPL-PGR-FINNEGAN](#); [Herbert, Toni-Junell](#); [Carson, Charles C.](#); [Klecyngier, David M.](#); [Rick, Michelle](#)
Subject: RE: PGR2023-00017; Request to extend Due Date 2
Date: Wednesday, January 24, 2024 11:29:01 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Counsel,

From the Board -

Petitioner's request to extend Due Date 2 from January 30, 2024 to February 9, 2024 is granted. We further extend Due Date 3 from March 5, 2024 to March 15, 2024. No conference is necessary at this time.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Bucca, Daniel <dbucca@bakerlaw.com>
Sent: Tuesday, January 23, 2024 4:09 PM
To: Trials <Trials@USPTO.GOV>
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Subject: PGR2023-00017; Request to extend Due Date 2

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Dear Honorable Board,

Syngenta Crop Protection AG (Petitioner) requests to reschedule Due Date 2 (Petitioner's Reply, Paper 11) from January 30, 2024 to February 9, 2024. UPL (Patent Owner) opposes.

Petitioner contacted Patent Owner to reach an agreement on moving Due Date 2 by initial email of January 18, 2024 and additional emails.

Petitioner explained its position as including the following:

(1) Extending Due Date 2 would allow the Board time to rule on the pending motion for discovery (Paper 37) before Due Date 2 (Petitioner's Reply). The Board gave

Patent Owner until January 29, 2024 (one day before Petitioner's Reply) to file its opposition to the motion for discovery, which may leave insufficient time for the Board to rule and to take discovery, if ordered. (2) Patent Owner originally proposed extending Due Date 2 to February 9, 2024 when seeking an extension for Due Date 1 (Patent Owner Response). See EX3004. The Board granted extending Due Date 1 (Paper 27 at 5) but did not extend correspondingly Due Date 2.

Patent Owner's position is as follows:

We were unable to respond to your email same day yesterday given the time zone differences of which you were already aware. We have endeavored to be reasonable and reach compromise but are disappointed that Syngenta rejected without explanation or justification extension terms it had previously offered. We also cannot agree to Syngenta's proposal to modify the schedule, as it would be detrimental to UPL.

The Parties are available to meet with the Board from Thursday 1/25 between 10:00am-2:00pm ET and Friday 1/26 between 1:00pm-3:00pm ET.

Sincerely,

Counsel for Syngenta Crop Protection AG, Petitioner

Daniel Bucca, Ph.D.

He | Him | His
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