

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MULTI-COLOR CORPORATION,
Petitioner,

v.

BROOK & WHITTLE LTD.
Patent Owner.

PGR2025-00025
Patent 11,961,422 B2

GRANT OF GOOD CAUSE EXTENSION
35 U.S.C. § 326(a)(11); 37 C.F.R. § 42.200(c)

Pursuant to 35 U.S.C. § 326(a)(11), “the final determination in any post-grant review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months” The Director has delegated the authority to extend the one-year period to the Chief Administrative Patent

Judge. *See* 37 C.F.R. § 42.200(c) (2026). In particular, 37 C.F.R.

§ 42.200(c) provides:

A post-grant review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be extended by up to six months for good cause by the Chief Administrative Patent Judge

In accordance with 37 C.F.R. § 42.200(c), the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision in this proceeding.

A post-grant review was instituted in the present proceeding on September 19, 2025, and a Scheduling Order was entered the same day, setting due dates for the parties to take action in the proceeding. Papers 14, 15. On December 10, 2025, counsel for Patent Owner Brook & Whittle Ltd. filed a Joint Stipulation to Modify Due Dates 1, 2, and 3, extending the due dates for the Patent Owner Response, Petitioner Reply, and Patent Owner Sur-Reply, each by about six weeks. Paper 25. On January 30, 2026, counsel for Petitioner Multi-Color Corporation filed a Joint Stipulation to Modify Due Dates 2 and 3, extending the due dates for the Petitioner Reply and Patent Owner Sur-Reply by an additional two weeks. Paper 33. On March 24, 2026, Patent Owner's counsel notified the Board by email that Petitioner had filed a Chapter 11 case on January 29, 2026, in the U.S. Bankruptcy Court for the District of New Jersey and stated that the parties were jointly seeking either a stay of the instant proceeding or additional schedule modifications, including extension of the due date for the final written decision under 35 U.S.C. § 326(a)(11). Exhibit 3005. Following a conference call with counsel for the parties, the Board authorized the filing of a joint motion to stay the proceedings for up to six weeks. Paper 45. The

parties filed a Joint Motion to Hold the Proceedings in Abeyance and Motion to Modify Due Dates 2, 3, 4, 5, 6, 7, and 8 the following day (Paper 46), and the Board granted the Motion on April 6, 2026 (Paper 47). Pursuant to the relief requested in the Motion and a Request for Oral Argument filed by Patent Owner (Paper 53), an oral argument was held on August 7, 2026, approximately seven weeks after the date for oral argument set by the original Scheduling Order (*see* Paper 15 at 13 (initially setting oral argument for June 15, 2026); *see also* Paper 66 (Order Setting Oral Argument)).

In the absence of any extension, the Board is due to issue a Final Written Decision in the instant proceeding no later than September 19, 2026. *See* 35 U.S.C. § 326(a)(11) (final written decision presumptively due no later than one year after entry of decision on institution); Paper 14. Under the unique circumstances of this case and in view of the limited time remaining in the one-year period for issuing a Final Written Decision due to the parties' joint request for extension of the due dates pending Petitioner's bankruptcy proceedings, the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision in this proceeding.



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Kalyan K. Deshpande
Chief Administrative Patent Judge

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