

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

VALENCELL, INC.,
Patent Owner.

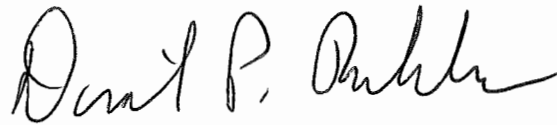
Case IPR2017-00319
Patent 8,923,941 B2

GRANT OF GOOD CAUSE EXTENSION
35 U.S.C. § 316(a)(11) and 37 C.F.R. § 42.100(c)

Pursuant to 35 U.S.C. § 316(a)(11), “the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review 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. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides:

In accordance with 37 C.F.R. § 42.100(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 the present proceeding.

The U.S. Supreme Court issued its decision on April 24, 2018, in *SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348 (2018). Here, *SAS Institute* may affect the parties' arguments and the Board's analysis of evidence and arguments presented, particularly with respect to non-instituted claims and grounds in the Petition. Because of the potential impact of *SAS Institute* and the limited amount of time for the Board and parties to apply *SAS Institute* to this proceeding, the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision.



David P. Ruschke
Chief Administrative Patent Judge

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