

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

GEOGRAPHIC LOCATION INNOVATIONS, LLC,
Patent Owner.

Case IPR2017-02022
Patent 7,917,285 B2

Before MITCHELL G. WEATHERLY, CARL M. DeFRANCO, and
GEORGE R. HOSKINS, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

ORDER

Denying Motion for Extension of Time
37 C.F.R. §§ 42.5(a), 42.20(b), 42.107(b)

I. BACKGROUND

On December 1, 2017, Patent Owner filed a Request for Extension to File Preliminary Response to Petition. Paper 6 (“the Request” or “Req.”). Patent Owner seeks a thirty-day extension of the deadline for filing the Patent Owner Preliminary Response. Req. 1. The Patent Owner Preliminary Response is currently due no later than December 13, 2017,

three months after the Board entered its Notice of Filing Date Accorded to Petition on September 13, 2017, Paper 3. 37 C.F.R. § 42.107(b). Patent Owner contends that “good cause exists for the extension” for two reasons. First, Patent Owner “did not receive notice of the Petition until September 5, 2017.” Req. 1. Second, Patent Owner’s “managing member and . . . advising attorney have been traveling on numerous occasions during the allowed response period.” *Id.* Patent Owner indicates that it attempted to contact Petitioner’s counsel to determine whether Petitioner would oppose the requested extension, but the attempt was unsuccessful. *Id.* Patent Owner filed the Request without prior authorization from the Board.

II. ANALYSIS

Patent Owner’s Request is denied for at least three reasons. First, because the Request seeks relief in the form of an extension of a filing deadline, the Request is a motion. 37 C.F.R. § 42.20(a). A motion may not be filed without prior authorization from the Board. 37 C.F.R. § 42.20(b). Because Patent Owner failed to seek or obtain the required authorization for the Request, it is not properly before us.

Second, even if the Request were properly before us, it wholly fails to demonstrate good cause for extending the time to file the Preliminary Response. Patent Owner received notice of the Petition eight days *before* the three-month period for preparing and filing a Preliminary Response *began*. Therefore, receiving “notice of the Petition” on September 5, 2017, provides no cause for an extension of time. Patent Owner has also failed to demonstrate how unspecified travel by an executive of Patent Owner and an unnamed “advising attorney” while Patent Owner is represented by other counsel in these preliminary proceedings would have had any effect on

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Patent Owner's ability to prepare and file a Preliminary Response within the permitted three-month time period.

Third, Patent Owner delayed seeking the extension until only twelve days before the expiration of the three-month period for preparing and filing its Preliminary Response. Patent Owner also failed to specify any reason why Patent Owner has been unable to confer with Petitioner to determine whether Petitioner opposes the Request. Patent Owner's delay in seeking the extension has effectively eliminated most, if not all, of Petitioner's opportunity to be heard in connection with the Request. Under 37 C.F.R. § 42.25(a)(1), the default time for filing an opposition to the Request would expire on January 2, 2018, weeks after the deadline for filing the Preliminary Response. Patent Owner's delay in seeking the Request, its failure to obtain the Board's authorization to file the Request, and its inability to consult Petitioner before filing the Request for unspecified reasons, all lead to our denial of the Request.

We also note that Patent Owner has failed to designate at least one back up counsel as required under 37 C.F.R. § 42.10(a). Patent Owner must remedy this deficiency no later than December 13, 2017.

III. ORDER

For the reasons given, it is:

ORDERED that Patent Owner's Request for Extension to File Preliminary Response to Petition is *denied*; and

FURTHER ORDERED that Patent Owner shall designate at least one backup counsel by filing an updated Mandatory Notice pursuant to 37 C.F.R. § 42.8(b)(3) no later than December 13, 2017.

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