

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,

Petitioner

v.

UUSI, LLC dba NARTRON

Patent Owner

Cases IPR2019-00355; IPR2019-00356

Patent No. 5,796,183

**PATENT OWNER'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. § 42.5**

Pursuant to 37 C.F.R. § 42.5, Patent Owner submits the present Unopposed Motion for Extension of Time, requesting that the Board extend the due date for the Preliminary Response fourteen (14) days—from April 9, 2019 until April 23, 2019 to synchronize the due dates for Preliminary Responses in three IPRs, namely IPR2019-00355, -00356, and -00357. Petitioner does not oppose Patent Owner's Motion. The Unopposed Motion is supported by a showing of good cause. Thus, Patent Owner respectfully requests that the Board grant the Unopposed Motion.

The Board authorized the filing of this Unopposed Motion via its email of March 29, 2019.

The Board has the authority to modify the due date for the preliminary response on a showing of good cause. *See* 37 C.F.R. §§ 42.5(c)(1) and (2). Here, the facts and circumstances surrounding this case, as discussed below, support a showing of good cause for extending the due date for the preliminary response.

Petitioner filed all of the following IPRs on November 29, 2018: IPR2019-00355, IPR2019-00356, IPR2019-00357, IPR2019-00358, IPR2019-00359, and IPR2019-00360. All six of these IPRs challenge the same patent. Based on the slightly varied dates of the PTAB notices, the current patent owner preliminary response due dates are as follows:

IPR2019-00355: April 9, 2019

IPR2019-00356: April 9, 2019

IPR2019-00357: April 23, 2019

IPR2019-00358: May 5, 2019

IPR2019-00359: May 5, 2019

IPR2019-00360: May 5, 2019.

Patent Owner seeks to synchronize the first three patent owner preliminary

response dates to April 23, 2019, in order to address the first three petitions at the same time. This will simplify the proceedings by reducing the number of distinct due dates from three to two—with the first three preliminary responses due on April 23, 2019 and the second three preliminary responses due on May 5, 2019. This may also simplify the proceedings should institution occur, as it will likely reduce the number of depositions that will be needed because the due dates will be closer together.

Patent Owner submits that the extension period of fourteen days is reasonable, and will not adversely impact the remaining schedule of the proceedings if an *inter partes* review is instituted. Patent Owner notes that the Board has granted similar motions in other proceedings. *See Ubisoft, Inc., et al. v. Uniloc USA, Inc., et al.*, IPR2017-01290, Paper 10 (PTAB Jul. 21, 2017) (granting patent owner’s motion for extension of time to file preliminary response in recognition of good cause to synchronize due dates for three IPRs filed on same date against patents involved in related litigation).

For the foregoing reasons, the present Unopposed Motion is supported by a showing of good cause warranting the extension of the due date for the preliminary response. Accordingly, Patent Owner respectfully requests that the Board grant the Unopposed Motion.

Dated: April 1, 2019

Respectfully submitted,

By: /s/ Joseph A. Rhoa

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