

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HP INC., MICROSOFT CORPORATION, DELL INC.,
DELL PRODUCTS LP, LENOVO (UNITED STATES) INC.,
and MOTOROLA MOBILITY LLC,
Petitioner,

v.

NEODRON LTD.,
Patent Owner.

IPR2020-00459
Patent 8,946,574 B2

Before MIRIAM L. QUINN, PATRICK M. BOUCHER, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

The due date for filing a preliminary response to the Petition in this proceeding was June 15, 2020. Paper 9, 2 (Notice of Filing Dated Accorded to Petition). The Patent Owner Preliminary Response (Paper 10) was filed 3 minutes late, at 12:03 AM EDT, June 16 2020.¹

¹ We note that the accompanying exhibits were filed on June 15.

IPR2020-00459
Patent 8,946,574 B2

On June 17, Patent Owner sent email to the Board acknowledging the late filing and requesting that the Board deem the filing either timely or excused. According to Patent Owner, “excusing the filing by three minutes is supported by good cause and would be in the interests of justice.” Patent Owner further represented that Petitioner does not oppose the request.
Ex. 3001.

Our rules state that “[a] late action will be excused on a showing of good cause or upon a Board decision that consideration on the merits would be in the interests of justice.” 37 C.F.R. §42.5(c)(3) (2019). We determine, based on the facts of this case that the consideration of the arguments of both parties prior to deciding whether to institute trial would be in the interests of justice.

Based on the foregoing, we determine that it is in the interest of justice to excuse the late filing.

Accordingly, it is

ORDERED that that we excuse Patent Owner’s late filing of the Preliminary Response (Paper 10).

IPR2020-00459
Patent 8,946,574 B2

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