

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION and HP INC.,
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,
Patent Owner.

IPR2020-01269
IPR2020-01270¹
Patent 9,219,780 B1

Before SALLY C. MEDLEY, LYNNE E. PETTIGREW, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

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

¹ We exercise our discretion to issue a single Order to be entered in each case using a joint caption. For efficiency, we cite to the papers filed in IPR2020-01269 unless otherwise indicated. The parties are not permitted to use this caption.

With prior Board authorization (Ex. 3001), Patent Owner filed an unopposed Motion to Excuse Late Action. Paper 14 (“Mot.” or “Motion”). In its Motion, Patent Owner requests that we excuse the late filing of its Patent Owner Response and associated exhibits. Mot. 1. Patent Owner asserts that, as a result of a docketing error, it filed its Patent Owner Response on July 1, 2021, one (1) day after the due date of June 30, 2021. *Id.* Patent Owner provides a Declaration executed by Lead Counsel, stating that Patent Owner’s “counsel unintentionally and inadvertently entered on his docket for IPR2020-01269 and -01270 the due date for the Patent Owner Response for a different IPR.” Ex. 2040 ¶¶ 4–5. Patent Owner states that Petitioner does not oppose the Motion. Mot. 1.

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). Patent Owner’s explanation of the delay shows that the short delay of 1 day was unintentional. We also note that Petitioner does not oppose Patent Owner’s request. But most importantly, we conclude that it would be in the interests of justice to consider Patent Owner’s arguments and evidence before coming to a final decision on the patentability of any claim for which we have instituted an *inter partes* review.

Accordingly, it is

ORDERED that Patent Owner’s late action is excused.

IPR2020-01269, IPR2020-01270
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