

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLIED MATERIALS, INC.,  
*Petitioner*

v.

OCEAN SEMICONDUCTOR LLC,  
*Patent Owner*

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IPR2021-01342  
Patent No. 6,968,248

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**PATENT OWNER'S UNOPPOSED MOTION TO EXCUSE LATE FILING  
OF ITS  
PRELIMINARY RESPONSE TO THE PETITION**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
*Submitted Electronically via PTAB E2E*

Pursuant to 37 C.F.R. § 42.6(b), Patent Owner Ocean Semiconductor LLC (“Ocean” or “Patent Owner”) requests that the Board accept late submission of Patent Owner’s Preliminary Response to the Petition for *Inter Partes* Review (“Petition”) of U.S. Patent No. 6,968,248 (“the ’248 Patent”). Submitted herewith is a copy of the service email sent to opposing counsel on the due date of November 19, 2021 (attached as Exhibit A), served timely under the Notice of Filing Date and Time for Filing Patent Owner Preliminary Response. *See* Paper No. 3, PTAB August 19, 2021 Notice of Accord Filing Date.

Patent Owner was prevented from timely submission of its Preliminary Response due to the unavailability of the PTAB E2E site, on November 19, 2021. Patent Owner attempted to access the PTAB E2E filing system between approximately 10:30 p.m. ET and continued to attempt to access the system intermittently until approximately 12:00 p.m. ET. In addition, counsel for Patent Owner called the Board and left a voice mail message. In accordance with the guidance provided in the PTAB E2E’s FAQ section for submissions during an outage, Patent Owner timely served counsel for Petitioner with the Preliminary Response and accompanying exhibits on November 19, 2021 via electronic mail. Concurrent to our prompt and timely service of the Patent Owner’s Preliminary Response on the Petitioner, we contacted the Board via email regarding the unavailability of the PTAB E2E site. A copy of this email to the Board, which was

sent on the due date of November 19, 2021 by Patent Owner's counsel, is attached herein as Exhibit B.

Counsel for Patent Owner has contacted counsel for Petitioner, and counsel for Petitioner indicated that it does not oppose Patent Owner's request.

For the foregoing reasons, Patent Owner respectfully requests that its Motion to Excuse Late Filing of its Preliminary Response to the Petition be granted, and Patent Owner's Preliminary Response to the Petition for *Inter Partes* Review of U.S. Patent No. 6,968,248 be entered into the record as being timely filed on November 19, 2021.

Dated: November 22, 2021

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## CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically via electronic mail on November 22, 2021, on the following counsel of record for Petitioners:

<b>COUNSEL FOR WESTERN DIGITAL TECHNOLOGIES, INC.</b>	
<b>LEAD COUNSEL</b>  Eric A. Krause (Reg. No. 62,329) Axinn Veltrop & Harkrider LLP 560 Mission Street San Francisco, California 94105 Telephone: (415) 490-1491 Facsimile: (415) 490-2001 ekrause@axinn.com	<b>BACKUP COUNSEL</b>  Christopher M. Gallo (Reg. No. 70,291) Axinn Veltrop & Harkrider LLP 1901 L Street NW Washington, DC 20036 Telephone: (202) 721-5413 Facsimile: (202) 912-4700 cgallo@axinn.com

/s/ Timothy Devlin

Timothy Devlin

# EXHIBIT A

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