

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED MATERIALS, INC.,
Petitioner,

v.

OCEAN SEMICONDUCTOR LLC,
Patent Owner.

IPR2021-01342 (Patent 6,968,248 B1)
IPR2021-01344 (Patent 6,907,305 B2)

Before MIRIAM L. QUINN, JOHN D. HAMANN, and DAVID COTTA,
Administrative Patent Judges.

QUINN, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion to Excuse Late Action
37 C.F.R. § 42.5(c)(3)

IPR2021-01342 (Patent 6,968,248 B1)
IPR2021-01344 (Patent 6,907,305 B2)

Upon authorization from the Board, Patent Owner filed an unopposed Motion to Excuse the Late Filing of the Preliminary Response. IPR2021-01342, Paper 9 (“Motion” or “Mot.”).¹ The Motion represents that despite Patent Owner’s efforts to file the Preliminary Response for each of the captioned proceedings on the due date of November 19, 2021, it was unable to do so because of problems with accessing the PTAB E2E filing system. Mot. 2. Patent Owner represents that the Preliminary Responses were nonetheless served via email to Petitioner by the deadline. *Id.*; *see also* Ex. A. Patent Owner filed the Preliminary Responses on November 22, 2021, concurrently with the motion to excuse the late filing. IPR2021-01342, Paper 10; IPR2021-01344, Paper 10. Petitioner does not oppose the Motion. *Id.* at 3.

After considering the arguments presented, we grant the Motion because of good cause shown, in accordance with 37 C.F.R. § 42.5(c)(3). The record shows that at 11:41 pm Eastern on Friday, November 19, 2021, Patent Owner served the Preliminary Responses to Petitioner with the explanation that “the PTAB E2E system is not functioning.” Mot. Ex. A. We have confirmed internally that the server for the PTAB E2E filing system showed errors during the time frame that Patent Owner alleges the system was inaccessible. Accordingly, we find good cause exists for excusing the late filing of the Preliminary Response.

It is thereby,

ORDERED that Patent Owner’s Motion to Excuse Late Action is *granted*.

¹ The same motion has been filed in IPR2021-01344, as Paper 9. Since the Motion filed in both captioned proceedings are substantively identical, we hereinafter refer to the motion filed in IPR2021-01342 as representative.

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