

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LOGANTREE LP,
Patent Owner.

IPR2022-00037
IPR2022-00040¹
Patent 6,059,576

Before, PATRICK R. SCANLON, MITCHELL G. WEATHERLY, and
JAMES A. WORTH, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

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

¹ This Order pertains to both cases. Thus, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading in subsequent papers.

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In an email to the Board on January 31, 2022, Patent Owner indicated that its patent counsel had recently and suddenly passed away and stated that the parties would like to discuss potential extensions with the Board. A conference call was held on February 4, 2022, between respective counsel for the parties and Judges Scanlon, Weatherly, and Worth. Attorneys Karl Renner and Andrew Patrick represented Petitioner, Apple. Inc., and Attorneys James Sherry and Aaron Dekle appeared on behalf of Patent Owner, LoganTree LP.

During the call, Mr. Sherry requested a 90-day extension of the deadline to file the Patent Owner Preliminary Responses in view of the unexpected passing of patent counsel. Mr. Sherry indicated that Patent Owner was working diligently to engage patent counsel and that Petitioner did not object to the requested extension. Counsel for Petitioner confirmed that Petitioner did not object to the extension, as long as an equal extension is granted in a related district court proceeding. Counsel indicated that a motion for such an extension recently had been filed in that proceeding.

Office regulations state a preliminary response must be filed no later than three months after a notice granting a filing date to the petition.

37 C.F.R. § 42.107(b). In each of these proceedings, the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response was entered on December 8, 2021. IPR2022-00037, Paper 4; IPR2022-00040, Paper 4. Accordingly, the Patent Owner Preliminary Response in each proceeding would be due March 8, 2022.

Requests for time extensions “must be supported by a showing of good cause.” 37 C.F.R. § 42.5(c)(2). Upon consideration of the facts of this

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situation, we find that good cause exists to grant the requested 90-day extension to file the Patent Owner Preliminary Response in each proceeding.

Accordingly, it is hereby:

ORDERED that the due date for Patent Owner to file its Preliminary Response in each of IPR2022-00037 and IPR2022-00040 is changed to June 6, 2022.

For PETITIONER:

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