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Paper 36
Entered: May 18, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

MEMORYWEB, LLC,
Patent Owner.

IPR2022-00222
Patent 10,621,228 B2

Before LYNNE H. BROWNE, NORMAN H. BEAMER, and KEVIN C. TROCK, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

ORDER
Extending One-Year Pendency for Good Cause
35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)

Petitioner filed a Petition requesting *inter partes* review of claims 1–19 of U.S. Patent No. 10,621,228 B2. On June 13, 2022, the Board instituted trial. Paper 12. The one-year period normally available to issue a Final Written Decision expires on June 13, 2023.

In this proceeding, however, Patent Owner MemoryWeb, LLC seeks leave to file a motion to dismiss this proceeding in view of the Board's Final Written Decision in *Unified Patents, LLC v. MemoryWeb, LLC*, IPR2021-01413 ("*Unified Patents*"), entered as Paper 58 in that proceeding on March 14, 2023, and the Board's Order Identifying Real Party in Interest entered as Paper 56 on March 8, 2023. Petitioner, Samsung Electronics Company Inc. ("Samsung") opposes Patent Owner's request to file a motion to dismiss, and alternatively seeks leave for discovery on the matters addressed in Paper 56 identifying Samsung as a Real Party in Interest in the *Unified Patents* proceeding.

Pursuant to 35 U.S.C. § 316(a)(11), "the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months . . . ." The Director has delegated the authority to extend the one-year period to the Chief Administrative Patent Judge. *See* 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides:

> An *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be extended by up to six months for good cause by the Chief Administrative Patent Judge . . . .

In accordance with 37 C.F.R. § 42.100(c), the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision here. Paper 35; 37 C.F.R. § 42.100(c). Accordingly, the time to administer the present proceeding is extended by up to six months.

The Board will issue an order in due course providing instructions to the parties regarding the particular procedures for moving forward in this proceeding.

Accordingly, it is

ORDERED that good cause exists to extend the time of pendency in this proceeding; and

FURTHER ORDERED that this proceeding is extended by up to six months.

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