

From: [Trials](#)
To: [Scott W. Hejny](#); [Trials](#)
Cc: [Nicholas Mathews](#); [Melissa Kalka](#); [Adam Seitz](#); [Jennifer Bailey](#); [Paul Hart](#); [PTAB@eriseip.com](#)
Subject: RE: Apple v. Ericsson, IPR2022-00457; Motion to Excuse Late Action
Date: Thursday, July 7, 2022 4:11:42 PM
Attachments: [image001.png](#)
[image003.png](#)

Counsel,

Patent Owner's request to extend the due date to July 2, 2022 for the filing of the Patent Owner Preliminary Response is granted.

Thank you,

Megan Carlson
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Patent Trial and Appeal Board
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From: Scott W. Hejny <shejny@McKoolSmith.com>
Sent: Thursday, July 7, 2022 2:09 PM
To: Trials <Trials@USPTO.GOV>
Cc: Nicholas Mathews <nmathews@McKoolSmith.com>; Melissa Kalka <mkalka@McKoolSmith.com>; Adam Seitz <adam.seitz@eriseip.com>; Jennifer Bailey <Jennifer.Bailey@eriseip.com>; Paul Hart <Paul.Hart@eriseip.com>; PTAB@eriseip.com
Subject: Apple v. Ericsson, IPR2022-00457; Motion to Excuse Late Action

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Dear Board,

Patent Owner's Preliminary Response ("POPR") was due on Thursday, June 30, 2022, but was belatedly filed on Saturday, July 2, 2022. The later filing came about because the POPR was incorrectly docketed for Friday, July 1, 2022 in Patent Owner's attorneys' calendar. The party responsible for docketing was new to the process and incorrectly docketed the response date 90 days calculated from the day after receipt of the Notice of Filing Date Accorded. The filing was further delayed by an additional day when the responsible attorney incorrectly believed that the POPR had been filed on July 1, 2022. The firm's office was closed for the observance of the July 4 holiday weekend, and Patent Owner's attorneys took action as quickly as possible on Saturday morning, July 2nd, to remedy the filing of the POPR.

Patent Owner respectfully requests that the Board extend the date on which the Patent Owner can submit the POPR to Saturday, July 2, 2022, the date on which the POPR was filed and served on opposing counsel, even though it was submitted two days after the correct deadline.

Patent Owner conferred with Petitioner on this matter Tuesday and Wednesday, and Petitioner indicated that “Apple does not take any position at this point on Ericsson’s request to the PTAB to excuse the late filing.”

If the Board would like to schedule a telephone conference to discuss this matter, Patent Owner will coordinate with Petitioner’s representatives to identify dates and times in the next week for the Board’s consideration.

If the Board is not inclined to agree to Patent Owner’s request as presented in this email, Patent Owner asks that it be allowed to address this request in a motion not to exceed five pages so that Patent Owner can more thoroughly outline the factual circumstances surrounding this delay and related Board decisions dealing with similar requests from other patent owners.

Very truly yours,
Scott Hejny

MCKOOL SMITH

Scott W. Hejny

Principal

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