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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/015,262	07/27/2023	8719101	P60678RE	9031
160962	7590	07/31/2024		
Stonebridge IP, PLLC 10432 Balls Ford Rd Suite 300 Manassas, VA 20109			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			07/31/2024	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

July 31, 2024

UNIFIED PATENTS, LLC  
4445 WILLARD AVE.  
SUITE 600  
CHEVY CHASE , MARYLAND 20815

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. : 90015262  
PATENT NO. : 8719101  
ART UNIT : 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

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<b>Decision on Petition for Extension of Time in Reexamination</b>	Application No.: 90/015,262	Applicant(s): US 8,719,101	
	Examiner Campbell, Joshua	Art Unit 3992	

  

1. THIS IS A DECISION ON THE PETITION FILED July 27, 2024.

2. THIS DECISION IS ISSUED PURSUANT TO:

A. ☒ 37 CFR 1.550(c) – The time for taking any action by a patent owner in a third party requested *ex parte* reexamination proceeding will be extended only for sufficient cause and for a reasonable time specified.

B. ☐ 37 CFR 1.550(c) – The time for taking action by a patent owner in a patent owner requested *ex parte* reexamination proceeding will only be extended for more than two months for sufficient cause and for a reasonable time specified.

C. ☐ 37 CFR 1.956 – The time for taking any action by a patent owner in an *inter partes* reexamination proceeding will be extended only for sufficient cause and for a reasonable time specified.

The petition is before the Central Reexamination Unit for consideration.

3. FORMAL MATTERS: Patent Owner requests that the time period for filing a response to the final Office action mailed on March 14, 2024, which set a two (2) month period for response and which was extended to be five (5) months from the final the Office action in the advisory action mailed May 30, 2024, be extended by an additional one (1) month.

A. Petition fee per 37 CFR § 1.17(g):

i. ☐ Petition includes authorization to debit a deposit account.

ii. ☒ Petition includes authorization to charge a credit card account.

iii. ☐ Other: \_\_\_\_\_.

B. ☒ Proper certificate of service was provided. (Not required in reexamination where patent owner is requester).

C. ☒ Petition was timely filed.

D. ☒ Petition properly signed.

4. DECISION (See MPEP 2265 and 2665)

A. ☐ Granted for: \_\_\_\_\_ or ☐ Granted-in-part for \_\_\_\_\_. 37 CFR 1.550(c) and 37 CFR 1.956).

i. ☐ Other/comment: \_\_\_\_\_.

B. ☒ Dismissed because:

i. ☐ Formal matters (See unchecked box(es) (A, B, C and/or D) in section 3 above).

ii. ☐ Petitioner failed to provide a factual accounting of reasonably diligent behavior by all those responsible for preparing a response to the outstanding Office action within the statutory time period.

iii. ☐ Petitioner failed to explain why, in spite of the action taken thus far, the requested additional time is needed.

iv. ☒ The statements provided fail to establish sufficient cause to warrant extension of the time for taking action **(See attached)**.

v. ☐ The petition is moot.

vi. ☐ Other/comment: \_\_\_\_\_.

5. CONCLUSION:

The July 27, 2024 petition under 37 CFR 1.550(c) for a one (1) month extension of time is **Dismissed**. The period to respond to the final Office action remains 5 months from the mailing date of the final Office action.

Direct telephone inquiries to <u>Stephen Stein</u> at 571-272-1544.	/Stephen J. Stein/ Managing Quality Assurance Specialist, CRU
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The June 27, 2024 petition for an extension of time requests an additional one month to a response to the final Office action mailed March 14, 2024, which set a two (2) month period for filing a response thereto and for which an advisory action mailed May 30, 2024, extended the time to file a response to the final Office action to five (5) months, thereby extending the period of response to August 14, 2024.

The petition speaks to the considerations of 1.) Patent Owner having retained new counsel for this proceeding, and 2.) Patent Owner's belief that the March 14, 2024 final Office action was prematurely made final resulting in the filing of a concurrent petition under 1.181 petition.

These considerations are noted; however, they must be balanced with the statutory requirement of special dispatch under 35 USC 305.

Pursuant to MPEP § 2265 (in-part) "First requests for extensions of these time periods will be granted for sufficient cause, and for a reasonable time specified-usually 1 month. The reasons stated in the request will be evaluated, and the request will be favorably considered where there is a factual accounting of reasonably diligent behavior by all those responsible for preparing a response or comments within the statutory time period. Second or subsequent requests for extensions of time, or requests for more than one month, will be granted only in extraordinary circumstances involved" e.g., death or incapacitation of the patent owner (See MPEP § 2265)

The circumstances presented in the petition do not rise to the level of "sufficient cause" that would warrant the granting of an additional one-month extension of time beyond the 3 additional months given in the May 30, 2024 advisory action.

With regard to the petition's considerations of Patent Owner having recently retrained new counsel, the remaining time to respond to the final Office action is more than sufficient for Patent Owner, even with new counsel, to decide whether to appeal the Examiner's final Office action and if so to file a Notice of Appeal. As stated above, Patent Owner's time to respond has already been extended to be five months from the mailing date from the final Office action and Patent Owner has already filed two after final responses. If the outstanding after final response does not place the proceeding in condition for issuance of a Notice of Intent to Issue an *Ex Parte* Reexamination Certificate (NIRC), Patent Owner may file a Notice of Appeal which will extend the time for further responses an additional 2 months.

With regard the petition's considerations of Patent Owner having concurrently filed a petition under 1.181 requesting the Director reopen prosecution, 37 CFR 1.181(f) states "[t]he mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings". Thus, the presence of an outstanding petitions and requests for reconsideration cannot be the justification for requesting an extension of time under 37 CFR 1.550(c).

Therefore, Patent Owner has not presented a showing of sufficient cause which would warrant the granting of an extension of time of an additional month beyond the five months already set.

The period for response to the March 14, 2024 final Office action remains at five months from the mailing date of the final Office action.

The Request for an extension of time is hereby **Dismissed**.