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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Citrix Systems, Inc./Finnegan
901 New York Avenue
NW
Washington, DC 20001

EXAMINER

ROSWELL, MICHAEL

ART UNIT

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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

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. : 90019523
PATENT NO. : 7987285
ART UNIT : 3992

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)).

U.S. Patent and Trademark Office
PTO-2293 (Rev. 11-2013)

Decision on Petition for Extension of Time in Reexamination

Part of Paper No. 20241126

Patent Owner's Nov 2024 EOT Petition seeks an extension of time for two (2) months (*i.e.*, more than one (1) additional month) to respond to the Nov 2024 Non-Final Office Action.

In accordance with MPEP § 2265 VI. ¶5, Patent Owner's request for two (2) months must be evaluated under the "extraordinary situations" standard.

With respect to the requirements of the "extraordinary situations" standard, the undersigned notes that in the past, situations that have been interpreted by the Office to rise to the level of "extraordinary" were for instance, the death or incapacitation of the Patent Owner and acts of God, such as Hurricane Katrina and the COVID-19 outbreak.

For example, Patent Owner states and/or argues in the Nov 2024 EOT Petition:

Patent Owner's counsel has been and will continue to be heavily engaged on numerous concurrent matters, including involvement in multiple pending *inter partes* reviews before the PTAB, *ex parte* reexaminations, reissue applications and reissue continuation applications, and appeal proceedings before the Office's reviewing Court. Most of these matters cannot be extended except by order of the relevant tribunal or with opposing parties' consent and present major filing deadlines that fall during, or closely follow, the period between this request and the current deadline of January 2, 2025 to respond to the Office Action.

Lastly and perhaps most significantly, on the very same day as the current **January 2** due date in this case, counsel has due a response to an office action in another reexamination (90/019 264). [Emphasis in original.]

- Nov 2024 EOT Petition, p 4.

Furthermore, Patent Owner presently expects to request an Examiner interview to discuss the rejections, potentially amendments, and developments in related proceedings. Patent Owner and counsel will need sufficient time to prepare for this interview.

- Nov 2024 EOT Petition, p 5.

Patent Owner's statements and/or arguments in the Nov 2024 EOT Petition, (*e.g.*, "Patent Owner's counsel has been and will continue to be heavily engaged on numerous concurrent matters," Nov 2024 EOT Petition, p 4), are essentially statements or arguments of resource management. Resource management is not a proper reason *why*, in spite of actions taken, more time is necessary.

Based upon a review of the entire Nov 2024 EOT Petition, Patent Owner has not shown any "extraordinary situations." Accordingly, the "extraordinary situations" standard has not been met so as to grant an extension of time greater than one (1) month.

Patent Owner also states that in response to the Nov 2024 Non-Final Office Action, "Patent Owner presently expects to request an Examiner interview to discuss the rejections, potentially amendments, and developments in related proceedings," Nov 2024 EOT Petition, p 5. The undersigned finds this statement weighs in favor of Patent Owner establishing a sufficient explanation why, in spite of the action taken thus far, the requested additional time is needed.

Based upon a review of the entire Nov 2024 EOT Petition, the undersigned finds that Patent Owner has provided:

- (a) a sufficient factual accounting of reasonably diligent behavior by all those responsible for preparing a response to the outstanding Office action;
- (b) a sufficient explanation why, in spite of the action taken thus far, the requested additional time is needed; and
- (c) statements that establish sufficient cause to warrant extension of the time for taking action.

Accordingly, Nov 2024 EOT Petition is hereby **granted-in-part** for **one (1) additional month.**