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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
90/019,523	05/24/2024	7987285	OPT285	1919		
109619 Citrix Systems,		11/26/2024 EXAMI		IINER		
901 New York NW	_	ROSWELL, MICHAEL				
Washington, D	C 20001		ART UNIT	PAPER NUMBER		
				3992		
			MAIL DATE	DELIVERY MODE		
			11/26/2024	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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11/26/2024

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Unified Patents, LLC 4445 Willard Ave. Suite 600 Chevy Chase, MARYLAND 20815

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)).

	Decision on Petition for Extension	Application Numbers: Applicant(s) 90/019,523 7,98		5			
-	of Time in Reexamination	Examiner: ROSWELL, MICHAEL	Art Unit: 3992				
1.	THIS IS A DECISION ON THE PETITION FILED November 25, 2024 ("Nov 2024 EOT Petition").						
2.	 A. \(\sum \) 37 CFR 1.550(c) – The time for taking any action by a patent owner in a third party requested <i>ex parte</i> reexamination proceeding will be extended only for sufficient cause and for a reasonable time specified. B. \(\sum \) 37 CFR 1.550(c) – The time for taking action by a patent owner in a patent owner requested <i>ex parte</i> reexamination proceeding will only be extended for more than two months for sufficient cause and for a reasonable time specified. C. \(\sum \) 37 CFR 1.956 – The time for taking any action by a patent owner in an <i>inter partes</i> reexamination proceeding will be extended only for sufficient cause and for a reasonable time specified. 						
3.	The petition is before the Central Reexamination Unit for consideration. FORMAL MATTERS: Patent Owner requests that the time period for filing a response to the non-final Office action mailed on November 1, 2024 ("Nov 2024 Non-Final Office Action"), which set a two (2) month shortened statutory period for response, be extended by two (2) additional months.						
	 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 or Granted-in-part for: one (1) at i. Other/comment: See pages 2-3 be		.550(c) and 37 CF	R 1.956).			
	B. Dismissed because: i. Formal matters (See unchecked box ii. Petitioner failed to provide a factual responsible for preparing a response iii. Petitioner failed to explain why, in spaneeded. iv. Petitioner failed to explain why, in spaneeded. iv. The statements provided fail to esta action (See attached). v. The petition is moot. vi. Other/comment:	accounting of reasonably dilige e to the outstanding Office action pite of the action taken thus far, blish sufficient cause to warran	ent behavior by all to on within the statuto the requested add	ory time period. litional time is			
5.	CONCLUSION:						

Direct telephone inquiries to either <u>QAS Stephen J. Stein</u> at 571-272-1544 or <u>SPRS Andrew J. Fischer</u> at <u>571-272-</u>6779.

/Andrew J. Fischer/, Supervisory Patent Reexamination Specialist, Central Reexamination Unit

Control No.: 90/019,523 Applicant(s): 7,987,285

Art Unit: 3992

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 <u>January 2</u> 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 <u>not</u> 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.

Control No.: 90/019,523 Applicant(s): 7,987,285

Art Unit: 3992

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.