

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEXEON LTD.,
Petitioner,

v.

ONED MATERIAL, LLC,
Patent Owner.

Case IPR2017-00851
Patent 8,440,369 B2

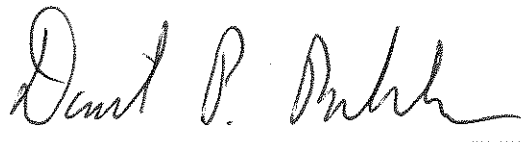
GRANT OF GOOD CAUSE EXTENSION
35 U.S.C. § 316(a)(11) and 37 C.F.R. § 42.100(c)

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 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 in this proceeding.

The Supreme Court issued its decision on April 24, 2018, in *SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348 (2018). Here, *SAS* may affect the parties' arguments and the Board's analysis of evidence and arguments presented, particularly with respect to non-instituted grounds in the Petition. Because of the potential impact of *SAS* and the limited amount of time for the Board and parties to apply *SAS* to this proceeding, the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision.



David P. Ruschke
Chief Administrative Patent Judge

IPR2017-00851
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PETITIONER:

S. Richard Carden
James V. Suggs
McDONNELL BOEHNEN HULBERT & BERGHOFF LLP
carden@mbhb.com
suggs@mbhb.com

PATENT OWNER:

Jennifer Hayes
NIXON PEABODY LLP
jenhayes@nixonpeabody.com
