

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INSTRUMENTATION LABORATORY COMPANY,
Petitioner,

v.

HEMOSONICS LLC,
Patent Owner.

Case IPR2017-00852
Patent 9,727,280 B2

Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

ORDER

Extending One-Year Pendency for Good Cause
35 U.S.C. § 316(a)(11) and 37 C.F.R. § 42.100(c)

Instrumentation Laboratory Company (“Petitioner”) filed a Petition seeking *inter partes* review of claims 1 and 2 of U.S. Patent No. 9,272,280 B2 (Ex. 1001, “the ’280 patent”). On September 1, 2017, the Board instituted an *inter partes* review of claims 1 and 2 of the ’280 patent on a subset of the grounds in the Petition. Paper 14. Thereafter, on April 24, 2018, the Supreme Court issued its decision in *SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348 (2018) (“SAS decision”). The one-year period normally available to issue a Final Written Decision expires on September 1, 2018.

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, who, in this instance, has delegated that authority to the Deputy 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 Patent Judge

In accordance with 37 C.F.R. § 42.100(c), the Deputy Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision here. Paper 44; 37 C.F.R. § 42.100(c). Accordingly, the time to administer the present proceeding is extended by up to six months.

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It is

ORDERED that good cause exists to extend the time of pendency in this proceeding; and

FURTHER ORDERED that this proceeding is extended by up to six months.

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