

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GARDNER DENVER, INC.,  
Petitioner,

v.

UTEX INDUSTRIES, INC.,  
Patent Owner.

---

IPR2020-00333  
Patent US 10,428,949 B2

---

Before ULRIKE W. JENKS and SCOTT A. DANIELS,  
*Administrative Patent Judges.*

JENKS, *Administrative Patent Judge.*

ORDER  
Conduct of Proceeding  
30-Day Extension of Time  
*37 C.F.R. § 42.5*

In an email communication on April 6, 2020, Patent Owner requested a 30-day extension to file their Patent Owner's Preliminary Response.

According to the CARES Act Notice,<sup>1</sup> the Board "shall provide a 30-day extension of time" for a patent owner preliminary response in a trial proceeding under 37 C.F.R. § 42.107 upon "affirming that a filing due between, and inclusive of both, March 27, 2020 and April 30, 2020 was or may be delayed due to the COVID-19 outbreak." CARES Act Notice 3. A delay "due to the COVID-19 outbreak" is defined as occurring "if a . . . patent owner . . . was personally affected by the COVID-19 outbreak, including, without limitation, through office closures, cash flow interruptions, inaccessibility of files or other materials, travel delays, personal or family illness, or similar circumstances, such that the outbreak materially interfered with timely filing." *Id.* at 2.

In its request, Patent Owner affirmed that Patent Owner's counsel and retained experts have each been affected by the COVID-19 outbreak through office closures and other associated delays that have materially interfered with the timely filing of the Patent Owner's Preliminary Response. Based on that representation, the due date for the Preliminary Response is extended by 30 days.

---

<sup>1</sup> Pursuant to the authority under section 12004(a) of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, \_\_ Stat. \_\_ (2020) ("CARES Act"), the Office issued the Notice of Waiver of Patent-Related Timing Deadlines under the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act Notice"). The CARES Act Notice is available at <https://www.uspto.gov/about-us/news-updates/uspto-announces-extension-certain-patent-and-trademark-related-timing>.

IPR2020-00333  
Patent US 10,428,949 B2

PETITIONER:

Helena Kiepura  
Benjamin Behrendt  
KIRKLAND & ELLIS LLP  
[helen.kiepura@kirkland.com](mailto:helen.kiepura@kirkland.com)  
[Benjamin.behrendt@kirkland.com](mailto:Benjamin.behrendt@kirkland.com)

PATENT OWNER:

Paul Morico  
Natalie Alfaro Gonzales  
BAKER BOTTS LLP  
[paul.morico@bakerbotts.com](mailto:paul.morico@bakerbotts.com)  
[natalie.gonzales@bakerbotts.com](mailto:natalie.gonzales@bakerbotts.com)