

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRIME WIRE & CABLE, INC.,
Petitioner

v.

TELEBRANDS CORP.,
Patent Owner

Case PGR2018-00010
U.S. Patent 9,752,761

PATENT OWNER'S UNOPPOSED MOTION FOR EXTENSION OF TIME

I. INTRODUCTION

On December 1, 2017, Petitioner Prime Wire & Cable, Inc. (“Prime”) filed its petition for post-grant review of U.S. Patent No. 9,752,761 (“the ’761 patent”). On January 4, 2018, the Board entered a Notice of Filing Date Accorded, which set forth that the deadline for Patent Owner Telebrands Corp. (“Telebrands”) to file its preliminary response is April 4, 2018.

On March 23, 2018, Telebrands and Prime entered a written settlement agreement, settling, *inter alia*, this dispute with respect to the ’761 patent. As such, the parties requested to file a joint motion to terminate this proceeding. The joint motion to terminate was filed on March 30, 2018. In view of the settlement and joint motion to terminate, on March 29, 2018, Telebrands requested permission to file a motion for extension of time to file its preliminary response. On March 30, 2018, the Board granted Telebrands permission to file a motion for extension of time of two-weeks to file its preliminary response. In accordance with the Board’s authorization, Telebrands respectfully requests that its deadline to file its preliminary response be extended from April 4, 2018 to April 18, 2018.¹

¹ In accordance with Telebrands’ email to the Board dated March 29, 2018, Prime does not oppose this motion.

II. ARGUMENT

37 C.F.R. 42.5(c) provides that the Board has the authority to extend Patent Owner's deadline for filing the preliminary response on a showing of good cause. Here, good cause exists to grant Telebrands' motion for extension of time of two weeks, as the parties have already settled this dispute and filed a motion to terminate the proceeding. As set forth in Telebrands' email to the Board of March 29, 2018, Telebrands only intends to file a preliminary response if the joint motion to terminate is denied or not yet decided. Thus, an extension of time will provide the Board with the opportunity to decide the parties' joint motion to terminate prior to the preliminary response deadline. Importantly, the Board has determined in situations such as this, where settlement negotiations have occurred prior to the filing of the preliminary response, good cause exists to extend the time to file the preliminary response. *See Sony Mobile Communications (USA) Inc. v. Adaptix, Inc.*, IPR2014-01525, Paper 10.

III. CONCLUSION

In view of the foregoing, Telebrands respectfully requests that the Board grant its unopposed motion for extension of time.

PGR2018-00010
U.S. Patent No. 9,752,761

Dated: April 2, 2018

By: /Robert T. Maldonado/
Robert T. Maldonado (38,232)
rmaldonado@cooperdunham.com
Cooper & Dunham LLP
30 Rockefeller Plaza
New York, NY 10112
Phone: 212-278-0400

Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that on April 2, 2018, the foregoing was served on
Petitioner's counsel of record by electronic service at:

jbuche@buchelaw.com; and
bjohnson@buchelaw.com

/Ashwat Rishi/
Ashwat Rishi
arishi@cooperdunham.com