

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR**

Gilbert P. Hyatt

Applicant

Decision on Requests for Extension of
Time under 37 C.F.R. § 90.3(c)(1)(i)

Appl. Ser. Nos. 08/456,296 and
08/437,736

MEMORANDUM AND ORDER

On March 6, 2024, Applicant Gilbert P. Hyatt. (“Applicant”) filed “Requests for Extension of Time” (“Requests”) to extend the time to seek judicial review of the Patent Trial and Appeal Board (“Board”)’s decisions in Application Serial Numbers 08/456,296 and 08/437,736. A table of the relevant information is listed below.

Application Serial No.	Date of Board Decision	Due date for appeal or Section 145 action	Date for which an appeal extension is sought
08/456,296	February 1, 2024	April 4, 2024	April 10, 2024
08/437,736	February 16, 2024	April 19, 2024	April 25, 2024

The Requests here—filed in writing before the expiration of the period for filing any of the appeal notices—fall under the “good cause” provision of 37 C.F.R. § 90.3(c)(1)(i). Under 37 C.F.R. § 90.3(c)(1)(i), the Office may, for good cause, extend the time to seek judicial review of a Board decision. Upon consideration of the Requests for extension of time under 37 C.F.R. § 90.3(c)(1)(i), it is ORDERED that the Requests are GRANTED for the reasons set forth below.

Applicant has good cause for an extension of time for the underlying applications. Applicant anticipates filing a Section 145 action for the applications and has conflicts arising before and after the applications' due dates for appeal.¹ Applicant explains that he and his counsel have complaints in other Section 145 actions due on March 7, March 26, April 2, and April 17, 2024, as well as reply briefs due in co-pending matters on March 13, March 21, March 29, April 8, and April 16, 2024. Req. at 1-2. Applicant also explains that he and his counsel "have been and will be unable to devote sufficient attention to these Section 145 complaints during the limited time frame normally allowed." Req. at 2. Applicant explains that the requested due dates accommodate these conflicts. The Office agrees that the facts and circumstances set forth in the present Requests demonstrate good cause for the extension.

ORDER

Upon consideration of the Requests, it is ORDERED that the requests are **granted**. Applicant's filing deadlines to appeal from the underlying Board decisions are extended in accordance with the chart below.

Serial No.	Date for which an appeal extension is GRANTED
08/456,296	April 10, 2024
08/437,736	April 25, 2024

¹ 37 C.F.R. § 90.3(a) provides that judicial review of a Board decision must be sought within sixty-three (63) days of the Board decision.

KATHERINE K. VIDAL
Under Secretary of Commerce for
Intellectual Property and Director of the
U.S. Patent and Trademark Office

/s/ Farheena Y. Rasheed
By: Farheena Y. Rasheed
Acting Solicitor

DATE: March 15, 2024

cc (via email):

Mark DeLaquil
Renee Knudsen
BAKER & HOSTETLER LLP
mdelaquil@bakerlaw.com
rknudsen@bakerlaw.com