

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

**Gilbert P. Hyatt**

Applicant

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

Appl. Ser. No. 08/459,508

**MEMORANDUM AND ORDER**

On January 11, 2024, Applicant Gilbert P. Hyatt. (“Applicant”) filed a “Request for Extension of Time” (“Request”) to extend the time to seek judicial review of the Patent Trial and Appeal Board (“Board”)’s decision in Application Serial Number 08/459,508. A table of the relevant information is listed below.

<b>Application Serial No.</b>	<b>Date of Board Decision</b>	<b>Due date for appeal or Section 145 action</b>	<b>Date for which an appeal extension is sought</b>
08/459,508	December 21, 2023	February 22, 2024	March 7, 2024

The Request here—filed in writing before the expiration of the period for filing any of the appeal notices—falls 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 Request for extension of time under 37 C.F.R. § 90.3(c)(1)(i), it is ORDERED that the Request is GRANTED for the reasons set forth below.

Applicant has good cause for an extension of time for the underlying application. Applicant anticipates filing a Section 145 action for the application

and has conflicts arising before and after the application's due date for appeal.<sup>1</sup>

Applicant explains that he and his counsel have complaints in other Section 145 actions due on February 7, February 20, February 23, and February 29, 2024, as well as reply briefs due in co-pending matters on February 7, 2024, February 16, February 26, March 5, and March 13, 2024. Req. at 1-2.<sup>2</sup> Applicant also explains that his counsel will be involved in a three-week trial that started on January 16, 2024<sup>3</sup> and therefore will be unable to devote the necessary time to prepare each Section 145 complaint in the applications for which he seeks an extension. 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 Request demonstrate good cause for the extension.

### **ORDER**

Upon consideration of the Request, it is ORDERED that the request is **granted**. Applicant's filing deadline to appeal from the underlying Board decision is extended from February 22, 2024, to March 7, 2024.

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<sup>1</sup> 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.

<sup>2</sup> Applicant states that he has reply briefs due in co-pending matters on "March 5 and March 13, 2014," (Req. at 2) which the USPTO believes to be a typo. The USPTO assumes that the Applicant meant "2024."

<sup>3</sup> Applicant states that his counsel will "be in a three-week long jury trial starting on January 16, 2023," (Req. at 2) which the USPTO believes to be a typo. The USPTO assumes that the Applicant meant "2024."

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: February 2, 2024

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