

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR

*Ex parte* Kanad Ghose ) Decision on Request  
U.S. Patent Appl. No. 12/841,160 ) under 37 C.F.R. § 90.3(c)(1)(i)  
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**MEMORANDUM AND ORDER**

On April 18, 2017, applicant Kanad Ghose (Ghose) filed a “Request for Extension of Time under 37 C.F.R. § 90.3(c)” (Request), seeking an extension of time on his deadline to pursue an appeal to the United States Court of Appeals for the Federal Circuit for review of the Patent Trial and Appeal Board (Board) decisions in U.S. Patent Application No. 12/841,160. The Board issued its decision on Ghose’s request for rehearing in the ’160 application on February 15, 2017; under Rule 90, an appeal notice was due on or before April 19, 2017. Thus, this Request falls under 37 C.F.R. § 90.3(c)(1)(i), which permits the Director<sup>1</sup> to extend the time for pursuing judicial review if requested in writing “before the expiration of the period for filing an appeal or commencing a civil action, and upon a showing of good cause.”

Ghose explains that he filed a “Petition to the Chief Patent Judge Under § 41.3” on March 1, 2017 (Rule 41.3 Petition), “seeking relief from procedural errors of the panel,” which, if granted, “could be dispositive to the case.” Req. at 1. Ghose requests an additional thirty (30) days on his appeal-filing deadline, running from a

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<sup>1</sup> Decisions on requests for additional time to seek judicial review of Board decisions are delegated to the Solicitor. MPEP § 1002.02(k)(3).

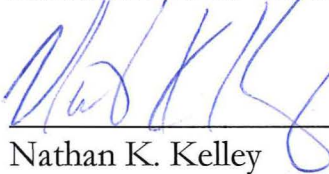
USPTO decision on his Rule 41.3 Petition, to permit him to assess the proper course of action following that decision. *See* Req. at 2. The Director finds that Ghose has demonstrated good cause to grant the requested extension.

ORDER

Upon consideration of the Request, it is ORDERED that the Request is granted.

Ghose's deadline for filing a Notice of Appeal to the United States Court of Appeals for the Federal Circuit in the '160 application is extended from April 19, 2017, to the date that is thirty (30) days from the date of a decision on Ghose's Rule 41.3 Petition (filed on March 1, 2017).

MICHELLE K. LEE  
UNDERSECRETARY OF COMMERCE  
FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE



By: Nathan K. Kelley  
Deputy General Counsel for Intellectual  
Property Law and Solicitor

DATE: May 12, 2017

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