

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

**Brian D. McFadden**  
Applicant

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

Appl. Ser. No. 15/891,363

**MEMORANDUM AND ORDER**

On April 17, 2025, Applicant Brian D. McFadden filed a “Request for Extension of Time for Seeking Judicial Review of a Board Decision” (“Request”) to extend the time to file a notice of appeal regarding the Patent Trial and Appeal Board’s decision in Application Serial Number 15/891,363. The Board decision, sustaining the Examiner’s rejection of claim 14 under 35 U.S.C. §§ 101 and 102, issued on November 27, 2024, and a decision on request for rehearing was issued on February 20, 2025. Under 37 C.F.R. § 90.3(b), judicial review of a Board decision must be sought within sixty-three (63) days after action on a request for rehearing, making April 24, 2025 the deadline to seek judicial review of the final Board decision in this matter.

Applicant’s Request—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 in the underlying application. On March 6, 2025, the Applicant petitioned to request review of the Board's rehearing decision under 37 C.F.R. § 41.3, and was notified of the dismissal of the request on March 26, 2025. *See* Req. at 1. On April 9, before the deadline for the Applicant to seek judicial review of the final Board decision, the Applicant petitioned to request reconsideration of that March 26 denial. *See* Req. at 1. Applicant seeks an extension of time of thirty-one (31) days from the notification date of the response to the second petition to file a notice of appeal. *See* Req. at 1. The stated explanation would suffice to supply good cause for the requested extension. However, the reconsideration petition was dismissed on April 30, 2025. Accordingly, the requested extension is no longer necessary for the reasons requested. However, Applicant is granted 28 days from the date of this Decision in which to seek judicial review, to permit him time to consider the recently issued reconsideration petition decision and pursue appeal if desired.

### **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 until May 29, 2025.

| Serial No. | Extended Due Date |
|------------|-------------------|
| 15/891,363 | May 29, 2025      |

COKE MORGAN STEWART  
Acting Under Secretary of Commerce for  
Intellectual Property and Acting Director of  
the U.S. Patent and Trademark Office

*/s/ Robert J. McManus*  
By: Robert J. McManus  
Acting Solicitor

DATE: May 1, 2025

cc (via email):

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