

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

PSIP LLC

Applicant

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

Appl. Ser. No. 16/511,368

MEMORANDUM AND ORDER

On August 31, 2023, Applicant PSIP LLC. (“Applicant”) filed a request to extend the time to seek judicial review of the Patent Trial and Appeal Board (“Board”) decisions in Application Serial Number 16/511,368. The Board decision, affirming unpatentability of some of the pending claims in the underlying application, issued on March 27, 2023 and a decision on request for rehearing was issued on July 5, 2023. 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 Applicant’s deadline to seek judicial review of the final Board decision to be September 6, 2023. Applicant filed a Notice of Appeal on September 26, 2023.

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 extensions 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's counsel represents that he is engaged in another appeal and preparing additional patent applications. *See* Req. at 2. The Office agrees that these reasons provide good cause for the extension request.

ORDER

Upon consideration of the request, it is ORDERED that the request is **granted**. Applicant's filing deadline to appeal from the underlying Board decisions is extended from September 6, 2023, to September 27, 2023.

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

By: /s/ Thomas W. Krause
Thomas W. Krause
Solicitor

DATE: September 29, 2023

cc (via email):

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