

**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. Nos. 08/460,697, 08/464,032,
08/465,657

MEMORANDUM AND ORDER

On September 13, 2023, 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”) decisions in Application Serial Numbers 08/460,697, 08/464,032, and 08/465,657. A table of the relevant information for each application number is listed below.

Application Serial No.	Date of Board Decision	Due date for appeal	Date for which an appeal extension is sought
08/460,697	August 30, 2023	November 1, 2023	December 1, 2023
08/464,032	September 5, 2023	November 7, 2023	December 8, 2023
08/465,657	September 12, 2023	November 14, 2023	December 15, 2023

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 extensions 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 each of the underlying applications. Applicant anticipates filing a Section 145 action for each of the applications and he has a conflict between each application's due date for appeal¹ and an upcoming prosecution laches remand trial ("trial"), which is scheduled for the period between September 18 and October 6, 2023. *See* Req. at 1. Applicant asserts that preparation of each Section 145 complaint "requires the substantial personal participation" of Applicant but that Applicant "expects to be unable to devote sufficient attention to these matters ... because of his need to prepare for and attend the [] trial, at which he will be a witness." *Id* at 1-2. Applicant further explains that his attorneys will also be tied up with the trial and unable to devote time to the preparation of each Section 145 complaint. *Id.* at 2. The Office agrees that these reasons provide good cause for the extension Requests.

ORDER

Upon consideration of the Requests, it is ORDERED that the Requests are **granted**. Applicant's deadline to file a Section 145 action for each of the underlying applications is extended in accordance with the chart below.

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.

Serial No.	Date for which an appeal extension is GRANTED
08/460,697	December 1, 2023
08/464,032	December 8, 2023
08/465,657	December 15, 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 14, 2023

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