

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

The Boeing Company)	IPR2015-01341
)	RE39,618
v.)	
)	Decision on Request
<u>Seymour Levine</u>)	under 37 C.F.R. § 90.3(c)(1)(i)

MEMORANDUM AND ORDER

On February 20, 2017, patent owner Seymour Levine (Levine) filed a Request seeking an extension of time under 37 C.F.R. § 90.3(c)(1)(i) on his deadline to pursue an appeal to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. § 141 for review of the Patent Trial and Appeal Board (Board) decision in IPR2015-01341. Levine subsequently filed a Corrected Request on February 21, 2017. The Board issued its final written decision in the subject IPR on December 20, 2016; under Rule 90, an appeal notice was due on or before February 21, 2017. Thus, this Request falls under 37 C.F.R. § 90.3(c)(1)(i), which permits the Director¹ 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.”

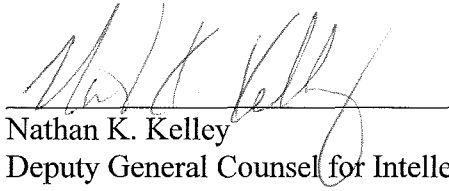
Levine represents that an extension of fourteen (14) days is needed to permit him to evaluate the merits of appealing the final written decision, which Levine asserts contains numerous complex issues. *See generally* Corrected Req. at 1-2. The Director finds that permitting Levine to make an informed decision whether to seek appeal in this situation constitutes “good cause” for the requested additional time.

¹ Decisions on requests for additional time to seek judicial review of Board decisions are

ORDER

Levine's Request under Rule 90.3(c)(1)(i) is granted. Levine's deadline for filing a Notice of Appeal to the United States Court of Appeals for the Federal Circuit on the Board's December 20, 2016 Decision is extended to April 3, 2017 (fourteen (14) days from the date of this Order).

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: March 20, 2017

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delegated to the Solicitor. MPEP § 1002.02(k)(3).