

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

Valve Corp.) IPR2016-00949
v.)
Ironburg Inventions Ltd.) Decision on Request
) under 37 C.F.R. § 90.3(c)(1)(ii)

MEMORANDUM AND ORDER

Before the Director is “Patent Owner’s Petition for Extension of Time to File Pursuant to 37 C.F.R. § 90.3(c)(1)(ii)” (“Request”), filed on February 15, 2018, by Patent Owner Ironburg Inventions Ltd. (“Ironburg”) in the above-captioned IPR proceeding. Petitioner Valve Corporation (“Valve”) filed an opposition on February 26, 2018, with both parties filing additional papers subsequent thereto. The Request relates to Ironburg’s Notice of Appeal in this IPR, which was 1) electronically submitted on January 17, 2018, to both the U.S. Patent and Trademark Office’s Patent Trial and Appeal Board and the United States Court of Appeals for the Federal Circuit, and 2) sent on January 17, 2018, to the Director, c/o Office of General Counsel, using FedEx Priority Overnight® service. The Federal Circuit docketed Ironburg’s Notice of Appeal as Appeal No. 18-1432. Pursuant to Fed. Cir. R. 15(a)(1) and 15(b)(1), the Notice Forwarding Certified List filed on February 27, 2018, stated that “[t]he Director considers the Notice of Appeal to be timely filed under 37 C.F.R. §§ 90.1-90.3 and 104.2.” Accordingly, the additional time sought by the pending


Request to file a notice of appeal in this IPR is unnecessary and dismissed as moot.

The Director is aware that Valve's motion to dismiss Appeal No. 18-1432 because the Notice of Appeal was untimely remains pending at the Federal Circuit. *See Ironburg Inventions Ltd. v. Valve Corp.*, Appeal No. 18-1432, ECF No. 18 (Feb. 9, 2018); *id.*, ECF No. 20 (Feb. 20, 2018); *id.*, ECF No. 22 (Feb. 26, 2018). The Federal Circuit ultimately determines whether a notice of appeal is timely. *See, e.g., In re McNeil-PPC, Inc.*, 574 F.3d 1393, 1397-98 (Fed. Cir. 2009). The dismissal of Ironburg's Request for additional time in which to file a notice of appeal in this IPR is thus without prejudice to seeking additional time if necessary based upon events at the Federal Circuit.

ORDER

Upon consideration of the Request for an extension of time under 37 C.F.R. § 90.3(c)(1)(ii), it is ORDERED that the Request is dismissed as moot without prejudice to Ironburg filing a new request for additional time if its January 17, 2018 Notice of Appeal is deemed untimely or otherwise deficient by the Federal Circuit.

ANDREI IANCU
UNDERSECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE


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