

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR

*PNC Bank, N.A.*  
v.  
*United Services Automobile Association*

IPR2021-01073  
Patent No. 8,977,571

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

**MEMORANDUM AND ORDER**

On June 23, 2023, Patent Owner United Services Automobile Association (“USAA”) filed a “Patent Owner’s Request For Extension Of Time To File A Notice of Appeal Under Rule 90.3(c).” The decision denying Patent Owner’s request for rehearing of the final written decision in the underlying IPR issued on April 28, 2023, making USAA’s appeal notice due on or before June 30, 2023. USAA’s request is thus under the “good cause” standard of Rule 90.3(c)(1)(i).

USAA seeks an extension of time to file an appeal because it requested authorization to file a request for Director Review and “that request for authorization might not be resolved before the June 30, 2023 deadline for filing a notice of appeal to the Federal Circuit. Further, proceedings on Patent Owner’s request for authorization could impact the necessity and content of any Notice of Appeal.” *See* Req. at 3.

On June 28, 2023, USAA’s request for authorization to file a request for Director Review was denied, mooting the basis for this time extension request.

Further, given that USAA has two days remaining to file its Notice of Appeal, it is unnecessary to extend the time for doing so. Accordingly, USAA's request for extension of time is dismissed as moot.

ORDER

Upon consideration of USAA's request for an extension of time under 37 C.F.R. § 90.3(c)(1)(i), it is ORDERED that the request is dismissed as moot.

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: June 28, 2023

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