

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GNOSIS S.P.A., GNOSIS BIORESEARCH S.A., and GNOSIS U.S.A., INC.
Petitioners

v.

SOUTH ALABAMA MEDICAL SCIENCE FOUNDATION
Patent Owner

Case IPR2013-00116
Patent 5,997,915

Before JACQUELINE WRIGHT BONILLA, SCOTT E. KAMHOLZ, and
SHERIDAN K. SNEDDEN, *Administrative Patent Judges*.

KAMHOLZ, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

Petitioners Gnosis S.P.A., Gnosis Bioresearch S.A., and Gnosis U.S.A., Inc. (collectively “Gnosis”) requested authorization to file an unopposed motion to enlarge the time to serve post-institution evidentiary objections from five days, pursuant to 37 C.F.R. § 42.64(b)(1), to ten days. Paper 21. Gnosis filed the motion as well. Paper 22.

Gnosis’s request is based on a hypothetical concern that five days’ time will be insufficient for the parties to review the “significant amount of evidence” that was produced during parallel litigation and that the parties expect will be served during this proceeding. *Id.* at 2-3.

A request for extension of time requires a showing of good cause. 37 C.F.R. § 42.5(c)(2). A hypothetical concern does not amount to good cause. Moreover, the evidence in question should be familiar to the parties if it has been produced already during parallel proceedings.

We are, therefore, not persuaded that good cause exists to extend this time period. The parties are advised to contact the Board promptly to request a conference call if they are confronted with unfamiliar evidence and can demonstrate a need of more than five days to serve objections.

Accordingly, it is hereby

ORDERED that Gnosis is not authorized at this time to file a motion to enlarge the time to serve evidentiary objections; and

FURTHER ORDERED that Gnosis’s unauthorized motion to enlarge the time to serve evidentiary objections is *dismissed*.

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