

# **EBay v. Moneycat: Granting Extension of Time to Submit Supplemental Evidence CBM2014-00091-93**

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Takeaway: The Board may grant an extension of the deadline for serving supplemental evidence where service of such evidence is delayed for a short period of time due to difficulties obtaining a certified copy of the reference from a foreign patent office.

In its Order, the Board granted Petitioner's request for an extension of the deadline for serving supplemental evidence.

According to Petitioner, it was unable to serve a certified copy of "the application file of the Teramura reference" to Patent Owner until after the deadline for supplemental evidence "due to difficulties with the Canadian Patent Office, including the unavailability of a three-day turnaround for certified copies and closings of government offices in Ottawa around October 22nd, 2014."

Patent Owner opposed the request, arguing that "Petitioner's delay in attempting to obtain the document until after formal objections were served is actually what resulted in Petitioner missing the deadline."

The Board was persuaded by Petitioner's argument and, with respect to prejudice to Patent Owner, noted that Patent Owner has been in possession of the copy of the file since November 4, 2014.

***EBay, Inc. v. Moneycat Ltd.*, CBM2014-000091, CBM2014-000092, CBM2014-000093**

**Paper 36: Order on Conduct of the Proceedings**

**Dated: April 14, 2015**

**Before: Bryan F. Moore, Miriam L. Quinn, and Minn Chung**

**Written by: Moore**

**Patents: 8,051,011; 7,590,602; 8,195,578**

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