

No. \_\_\_\_\_

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**US PATENT NO. 7,679,637 LLC,**

*Applicant,*

v.

**GOOGLE LLC,**

*Respondent.*

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**ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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**APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Federal Circuit:

Pursuant to Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), Applicant US Patent No. 7,679,637 LLC respectfully requests a 60-day extension of time, to and including August 22, 2026, within which to file a petition for a writ of certiorari in this case. The petition for a writ of certiorari is currently due on June 23, 2026. This application is timely filed more than 10 days before that date, in accordance with Rule 30.2.

### **JURISDICTION**

This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1), which provides for review by writ of certiorari of cases in the courts of appeals.

### **JUDGMENT SOUGHT TO BE REVIEWED**

Applicant seeks review of the judgment and precedential opinion of the United States Court of Appeals for the Federal Circuit in *US Patent No. 7,679,637 LLC v. Google LLC*, No. 2024-1520, decided January 22, 2026. The Federal Circuit affirmed the judgment of the United States District Court for the Western District of Washington (No. 2:23-cv-00592-JHC, Judge John H. Chun), which had dismissed Applicant's patent infringement complaint with prejudice under

Federal Rule of Civil Procedure 12(b)(6), holding that the asserted claims of U.S. Patent No. 7,679,637 are directed to patent-ineligible subject matter under 35 U.S.C. § 101. The precedential opinion was authored by Chief Judge Moore and joined by Judges Hughes and Stoll.

Applicant filed a combined petition for panel rehearing and rehearing en banc, which was denied on March 25, 2026. Copies of the Federal Circuit's opinion and the order denying rehearing are attached hereto as Exhibits A and B, respectively.

### **REASONS JUSTIFYING AN EXTENSION OF TIME**

**1. Withdrawal of Prior Counsel and Retention of New Counsel.** Applicant's counsel throughout the district court and Federal Circuit proceedings was David P. Berten of Global IP Law Group, LLC, Chicago, Illinois. Mr. Berten withdrew from representation of Applicant on March 26, 2026—the day after the Federal Circuit denied rehearing. Applicant, a single-member limited liability company, thereafter retained K.J. Miller as new counsel. Because Applicant is an LLC and cannot appear pro se before this Court, see *Rowland v. California Men's Colony*, 506 U.S. 194, 201–02 (1993), retention of counsel admitted to the Bar of this Court is essential to preserve Applicant's right to seek certiorari review.

**2. Counsel's Need to Familiarize Herself with the Record and Issues.** Undersigned counsel was not involved in this litigation at the district court or appellate level. Counsel must review and analyze the full trial court and appellate record, including the patent specification and prosecution history for U.S. Patent No. 7,679,637, the district court's 26-page order granting dismissal, the parties' appellate briefs and oral argument, and the Federal Circuit's precedential

opinion—all of which involve technically complex subject matter concerning asynchronous web-based conferencing technology. This review is necessary to evaluate the merits of a potential cert petition and, if warranted, to prepare the strongest possible petition.

**3. Complexity of Section 101 Jurisprudence.** This case involves patent eligibility under 35 U.S.C. § 101 as interpreted by this Court in *Alice Corp. Pty. Ltd. v. CLS Bank International*, 573 U.S. 208 (2014), and *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66 (2012). The *Alice/Mayo* framework’s application by the Federal Circuit has generated extensive and unsettled jurisprudence. The Federal Circuit has issued over 270 precedential and nonprecedential opinions applying *Alice*, with results that multiple Federal Circuit judges have publicly acknowledged are difficult to predict or reconcile. The complexity and evolving nature of this area of law require additional time for new counsel to thoroughly analyze whether and how to present the issues to this Court.

**4. No Prejudice to Respondent.** The requested extension will not prejudice Respondent Google LLC. This is a patent case in which the district court dismissed Applicant’s complaint; no trial date, discovery schedule, or other deadlines will be affected by a 60-day extension of the certiorari filing deadline. Respondent need take no action unless and until a petition is filed.

#### **IDENTIFICATION OF PARTY SEEKING EXTENSION**

Pursuant to Supreme Court Rule 13.5, this application identifies the party for whom the extension is sought: Applicant US Patent No. 7,679,637 LLC. No other party seeks an extension through this application.

## CONCLUSION

For the foregoing reasons, Applicant US Patent No. 7,679,637 LLC respectfully requests that the time to file a petition for a writ of certiorari be extended for 60 days, to and including August 22, 2026.

Respectfully submitted,

KJ Miller

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Dated: May 10, 2026

## CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2026, a copy of the foregoing Application for Extension of Time to File Petition for a Writ of Certiorari was served by first-class mail, postage prepaid, and by electronic mail, on counsel for Respondent at the following address:

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**EXHIBIT A**

Opinion of the United States Court of Appeals

for the Federal Circuit

*US Patent No. 7,679,637 LLC v. Google LLC*

No. 2024-1520

Decided January 22, 2026

**[INSERT FEDERAL CIRCUIT OPINION HERE]**

**EXHIBIT B**

Order Denying Petition for Panel Rehearing  
and Rehearing En Banc

*US Patent No. 7,679,637 LLC v. Google LLC*

No. 2024-1520

March 25, 2026

**[INSERT REHEARING DENIAL ORDER HERE]**