

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

CARDIOCOM, LLC  
Petitioner

v.

ROBERT BOSCH HEALTHCARE SYSTEMS, INC.  
Patent Owner

---

Case IPR2013-00431 (Patent 7,921,186 B2)  
Case IPR2013-00449 (Patent 7,840,420 B2)  
Case IPR2013-00451 (Patent 7,587,469 B2)  
Case IPR2013-00468 (Patent 7,516,192 B2)<sup>1</sup>

Before STEPHEN C. SIU, JUSTIN T. ARBES, and MIRIAM L. QUINN,  
*Administrative Patent Judges.*

ARBES, *Administrative Patent Judge.*

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

---

<sup>1</sup> Case IPR2013-00469 has been joined with Case IPR2013-00468. This Order addresses an issue pertaining to all four cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

Case IPR2013-00431, Case IPR2013-00449, Case IPR2013-00451,  
Case IPR2013-00468

An initial conference call in the above proceedings was held on February 13, 2014, among respective counsel for Petitioner and Patent Owner, and Judges Siu, Arbes, Moore, Ward, and Quinn. The purpose of the call was to discuss any proposed changes to the Scheduling Order in each proceeding and any motions the parties intend to file. Prior to the call, both parties filed lists of proposed motions.<sup>2</sup> The following issues were discussed.

### *Schedule*

The parties indicated that they do not have any issues with the Scheduling Orders. *See* IPR2013-00431, Paper 23; IPR2013-00449, Paper 22; IPR2013-00451, Paper 24; IPR2013-00468, Paper 23. The parties are reminded that, if necessary, they may stipulate to different dates for DUE DATES 1 through 3 in the Scheduling Orders, provided the dates are no later than DUE DATE 4.

### *Joinder*

Petitioner stated that it intends to file a second petition for *inter partes* review of certain claims of Patent 7,587,469 B2, along with a motion for joinder with Case IPR2013-00451. The Board explained that, should Petitioner do so, the Board will set a briefing schedule for an opposition and preliminary response from Patent Owner in the new proceeding. The parties are directed to 37 C.F.R. § 42.122(b) and Frequently Asked Questions H1-H6 on the Board's website at

---

<sup>2</sup> *See* IPR2013-00431, Papers 26, 27; IPR2013-00449, Papers 25, 26; IPR2013-00451, Papers 27, 28; IPR2013-00468, Papers 28, 29.

Case IPR2013-00431, Case IPR2013-00449, Case IPR2013-00451,  
Case IPR2013-00468

<http://www.uspto.gov/ip/boards/bpai/prps.jsp> for guidance regarding joinder issues. Specifically, a motion for joinder should (1) set forth the reasons why joinder is appropriate; (2) identify any new grounds of unpatentability asserted in the petition; (3) explain what impact (if any) joinder would have on the trial schedule for the existing review; and (4) address specifically how briefing and discovery may be simplified in a joined proceeding.

*Page Limits in Case IPR2013-00468*

Case IPR2013-00469 was joined with Case IPR2013-00468. *See* IPR2013-00469, Paper 21 at 13-15. Patent Owner inquired as to the page limits for papers filed in Case IPR2013-00468, given the joinder of the second proceeding. The Board explained that Case IPR2013-00468 is a single proceeding, and the page limits are those provided by rule (i.e., 60 pages for Patent Owner's response and 15 pages for Petitioner's reply). *See* 37 C.F.R. §§ 42.24(b)(2), 42.24(c)(1). Patent Owner requested that the page limit for its response be extended to 120 pages. Petitioner opposed Patent Owner's request, but was not opposed to a smaller page extension. The Board took the matter under advisement.

Given the limited number of grounds on which a trial was instituted in the two proceedings, and the similarities in prior art and arguments in the two proceedings, we are persuaded that only a small extension of the page limits for Case IPR2013-00468 is appropriate. Accordingly, the page limit for Patent Owner's response is extended to 70 pages, and the page limit for Petitioner's reply is increased by a proportional amount to 17 pages. All other page limits in the four instant proceedings are unchanged.

Case IPR2013-00431, Case IPR2013-00449, Case IPR2013-00451,  
Case IPR2013-00468

*Motion to Amend*

Patent Owner stated that it has not yet determined whether it intends to file a motion to amend in any of the four proceedings. Should Patent Owner decide to file a motion to amend, Patent Owner must request a conference call and confer with the Board before doing so. *See* 37 C.F.R. § 42.121(a).

In consideration of the foregoing, it is hereby:

ORDERED that the page limit for Patent Owner's response in Case IPR2013-00468 is extended to 70 pages, and the page limit for Petitioner's reply in Case IPR2013-00468 is extended to 17 pages.

Case IPR2013-00431, Case IPR2013-00449, Case IPR2013-00451,  
Case IPR2013-00468

PETITIONER:

Daniel W. McDonald  
Andrew J. Lagatta  
William D. Schultz  
Jeffrey D. Blake  
MERCHANT & GOULD, P.C.  
[dmcdonald@merchantgould.com](mailto:dmcdonald@merchantgould.com)  
[alagatta@merchantgould.com](mailto:alagatta@merchantgould.com)  
[wschultz@merchantgould.com](mailto:wschultz@merchantgould.com)  
[jblake@merchantgould.com](mailto:jblake@merchantgould.com)

PATENT OWNER:

Don Daybell  
Davin M. Stockwell  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
[ddaybell@orrick.com](mailto:ddaybell@orrick.com)  
[dstockwell@orrick.com](mailto:dstockwell@orrick.com)