

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARDIOCOM, LLC and MEDTRONIC, INC.,¹
Petitioners,

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)
Case IPR2014-00488 (Patent 7,769,605 B2)
Cases IPR2014-00607 and IPR2014-00691 (Patent 7,870,249 B2)²

Before STEPHEN C. SIU, JUSTIN T. ARBES, BRYAN F. MOORE,
TRENTON A. WARD, and MIRIAM L. QUINN, *Administrative Patent
Judges.*

ARBES, *Administrative Patent Judge.*

¹ Cardiocom, LLC (“Cardiocom”) is the petitioner in Cases IPR2013-00431, IPR2013-00449, IPR2013-00451, and IPR2013-00468. Medtronic, Inc. (“Medtronic”) is the petitioner in Cases IPR2014-00488, IPR2014-00607, and IPR2014-00691. Cardiocom is a wholly-owned subsidiary of Medtronic.

² Case IPR2013-00469 has been joined with Case IPR2013-00468. This Order addresses issues pertaining to all seven 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.

IPR2013-00431, IPR2013-00449, IPR2013-00451, IPR2013-00468,
IPR2014-00488, IPR2014-00607, and IPR2014-00691

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

This Order resolves various pending motions in the instant proceedings and addresses an issue regarding related matters.

Motions for Pro Hac Vice Admission

Petitioner filed a motion requesting *pro hac vice* admission of William D. Schultz in Cases IPR2014-00488 (Paper 12) and IPR2014-00607 (Paper 11). Patent Owner filed motions requesting *pro hac vice* admission of Bas de Blank, Siddhartha Venkatesan, and Lillian Mao in Cases IPR2014-00488 (Papers 9, 10, and 11), IPR2014-00607 (Papers 8, 9, and 10), and IPR2014-00691 (Papers 7, 8, and 9). The parties filed affidavits from the attorneys in support of their motions.³ The parties' motions are similar to the motions filed previously in the other proceedings, which were granted. *See, e.g.*, IPR2013-00431, Papers 15, 16, 20, 32. The pending motions are granted for the same reasons.

We note that Petitioner did not file a motion in Case IPR2014-00691. Should Petitioner desire for Mr. Schultz to be admitted *pro hac vice* in that proceeding as well, Petitioner shall file a notice and affidavit similar to those it filed in the other proceedings.

³ Patent Owner filed its affidavits in Case IPR2014-00488 as Exhibits 2001, 2002, and 2003. Because other exhibits already were filed using those numbers, the affidavits will be renumbered as Exhibits 2061, 2062, and 2063.

IPR2013-00431, IPR2013-00449, IPR2013-00451, IPR2013-00468,
IPR2014-00488, IPR2014-00607, and IPR2014-00691

Motion to Correct

In Case IPR2014-00488, Patent Owner filed an unopposed motion (Paper 8) to submit a corrected version of Exhibit 2058 and expunge the original version filed on June 13, 2014. Patent Owner states that the original version, titled “House Report 112-98 – AMERICA INVENTS ACT,” is incorrect due to a clerical error, and the replacement version, titled “House Report 112-98,” is correct. The motion is granted.

Related Matters

Parties to an *inter partes* review are required to file mandatory notice information, including “[i]dentify[ing] any other judicial or administrative matter that would affect, or be affected by, a decision in the proceeding.” 37 C.F.R. § 42.8(b)(2). Mandatory notice information must be updated within 21 days of any change. 37 C.F.R. § 42.8(a)(3).

We note that the instant proceedings have a substantial number of related matters and that at least some such matters have not been cited in the parties’ mandatory notice information. *See, e.g.*, IPR2014-00436, Paper 17 at 3 (noting an *ex parte* reexamination that was not identified). To ensure a clear understanding of all related matters, the parties shall file a joint notice listing, collectively, all related matters for the instant proceedings, including district court infringement cases, *ex parte* reexaminations, *inter partes* reexaminations, and *inter partes* reviews. The joint notice shall be in chart form and shall list, for each matter, the matter name and number, patent(s) involved, claim(s) involved, filing date, and status. The joint notice shall be filed in each of the seven instant proceedings.

IPR2013-00431, IPR2013-00449, IPR2013-00451, IPR2013-00468,
IPR2014-00488, IPR2014-00607, and IPR2014-00691

For the parties' convenience, should the related matters for any of the instant proceedings change during the pendency of the proceeding, the parties are authorized to file an updated joint notice, rather than each filing updated mandatory notice information. Doing so does not relieve the parties of their obligation to update other aspects of their mandatory notice information (e.g., real party-in-interest, lead and backup counsel) within 21 days of any change.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's motions for *pro hac vice* admission of Bas de Blank, Siddhartha Venkatesan, and Lillian Mao are *granted*, and Mr. de Blank, Mr. Venkatesan, and Ms. Mao are authorized to represent Patent Owner as back-up counsel in Cases IPR2014-00488, IPR2014-00607, and IPR2014-00691;

FURTHER ORDERED that Petitioner's motions for *pro hac vice* admission of William D. Schultz are *granted*, and Mr. Schultz is authorized to represent Petitioner as back-up counsel in Cases IPR2014-00488 and IPR2014-00607;

FURTHER ORDERED that Petitioner is authorized to file a notice and affidavit from Mr. Schultz in Case IPR2014-00691 by July 9, 2014, and if Petitioner does so, Mr. Schultz shall be authorized to represent Petitioner as back-up counsel in that proceeding as well under the terms of this Order;

FURTHER ORDERED that Petitioner and Patent Owner each are to continue to have a registered practitioner as lead counsel in the instant proceedings;

IPR2013-00431, IPR2013-00449, IPR2013-00451, IPR2013-00468,
IPR2014-00488, IPR2014-00607, and IPR2014-00691

FURTHER ORDERED that Mr. de Blank, Mr. Venkatesan, Ms. Mao, and Mr. Schultz are to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations;

FURTHER ORDERED that Mr. de Blank, Mr. Venkatesan, Ms. Mao, and Mr. Schultz are subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

FURTHER ORDERED that the copies of Exhibits 2001, 2002, and 2003 filed on June 18, 2014 in Case IPR2014-00488 are renumbered as Exhibits 2061, 2062, and 2063, respectively;

FURTHER ORDERED that the copy of Exhibit 2058 in Case IPR2014-00488 filed on June 13, 2014 and titled "House Report 112-98" is entered, and the version also filed on June 13, 2014 and titled "House Report 112-98 – AMERICA INVENTS ACT" is expunged from the record of the proceeding; and

FURTHER ORDERED that the parties shall file, in each of the instant proceedings, a joint notice listing all related matters for the proceedings, as explained herein, by July 9, 2014.

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