

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and ARRIS GROUP, INC.,
Petitioner,

v.

TQ DELTA, LLC,
Patent Owner.

Case IPR2016-001007¹
Patent 8,432,956 B2

CISCO SYSTEMS, INC.,
Petitioner,

v.

TQ DELTA, LLC,
Patent Owner.

Case IPR2016-01009
Patent 8,238,412 B2

¹ ARRIS Group, Inc., who filed a Petition in IPR2017-00422, has been joined in this proceeding.

IPR2016-01006 (Patent 7,835,430); IPR2016-01007 (Patent 8,432,956);
IPR2016-01008 (Patent 8,238,412); IPR2016-01009 (Patent 8,238,412);
IPR2016-01020 (Patent 9,014,243); IPR2016-01021 (Patent 8,718,158).

CISCO SYSTEMS, INC., DISH NETWORK, LLC,
COMCAST CABLE COMMUNICATIONS, LLC,
COX COMMUNICATIONS, INC.,
TIME WARNER CABLE ENTERPRISES LLC,
VERIZON SERVICES CORP., and ARRIS GROUP, INC.,
Petitioner,

v.

TQ DELTA, LLC,
Patent Owner

Case IPR2016-01006 (Patent 7,835,430 B2)
Case IPR2016-01008 (Patent 8,238,412 B2)
Case IPR2016-01020 (Patent 9,014,243 B2)
Case IPR2016-01021 (Patent 8,718,158 B2)^{2,3}

Before SALLY C. MEDLEY, TREVOR M. JEFFERSON, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

Trial Hearing Order
35 U.S.C. 316(a)(10) and 37 C.F.R. § 42.70

² DISH Network, L.L.C., Comcast Cable Communications, L.L.C., Cox Communications, Inc., Time Warner Cable Enterprises L.L.C., Verizon Services Corp., and ARRIS Group, Inc. have been joined in each of these four proceedings. *See* IPR2017-00251, IPR2017-00253, IPR2017-00254, IPR2017-00255, IPR2017-00417, IPR2017-00418, IPR2017-00419, and IPR2017-00420.

³ This Order addresses the same issues in the above listed proceedings. Therefore, we issue one Order to be filed in all of the above listed proceedings. The parties, however, are not authorized to use this style of filing in subsequent papers

IPR2016-01006 (Patent 7,835,430); IPR2016-01007 (Patent 8,432,956); IPR2016-01008 (Patent 8,238,412); IPR2016-01009 (Patent 8,238,412); IPR2016-01020 (Patent 9,014,243); IPR2016-01021 (Patent 8,718,158).

Both parties requested a hearing pursuant to 37 C.F.R. § 42.70(a). Paper 25; Paper 29.⁴ The requests are *granted*.

Both parties suggest we group Cases IPR2016-01006, IPR2016-01007, IPR2016-01008, and IPR2016-01009 together and, separately, group Cases IPR2016-01020 and IPR2016-01021 together. Paper 25, 2; Paper 29, 2. We have reviewed the issues that the parties intend to address for each proceeding and agree that grouping the cases as requested for purposes of the hearing is warranted in view of the overlapping issues.

Petitioner requests forty (40) minutes per side for each group, whereas Patent Owner requests sixty (60) minutes per side for the first group and forty (40) minutes per side for the second group. *Id.* We determine that sixty (60) minutes per side is warranted for the first group. Accordingly, the hearing will be held in two sessions:

1. The first session will cover the oral hearing for IPR2016-01006, IPR2016-01007, IPR2016-01008, and IPR2016-01009, and shall **commence at 1:00pm Eastern Time on Thursday, August 3, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.** The total argument time for this session will be sixty (120) minutes, with each party having sixty (60) minutes to present its arguments with regard to this group of cases.
2. The second session will cover the oral hearing for IPR2016-01020 and IPR2016-01021, and shall **commence at 3:10pm Eastern**

⁴ Citations are to IPR2016-01006, unless otherwise noted. Substantively similar requests were filed in each of the above-named proceedings.

IPR2016-01006 (Patent 7,835,430); IPR2016-01007 (Patent 8,432,956); IPR2016-01008 (Patent 8,238,412); IPR2016-01009 (Patent 8,238,412); IPR2016-01020 (Patent 9,014,243); IPR2016-01021 (Patent 8,718,158).

Time on Thursday, August 3, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The total argument time for this session will be eighty (80) minutes, with each party having sixty (40) minutes to present its arguments with regard to this group of cases.

Given that Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable, each session will begin with Petitioner presenting its case regarding the challenged claims for the group of cases. Patent Owner then will have the entirety of its allotted time to respond to Petitioner's presentation. Petitioner may reserve rebuttal time to respond to Patent Owner's arguments only. There is no motion to amend pending in any of these proceedings.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. Given that the hearing will be held in two sessions, each session will have its own transcript, the entirety of which will be applicable to and filed in each proceeding in that group of cases.

The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven (7) business days before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate content of demonstrative exhibits. We expect that the parties will meet and confer in good faith to resolve any objections

IPR2016-01006 (Patent 7,835,430); IPR2016-01007 (Patent 8,432,956); IPR2016-01008 (Patent 8,238,412); IPR2016-01009 (Patent 8,238,412); IPR2016-01020 (Patent 9,014,243); IPR2016-01021 (Patent 8,718,158).

to demonstrative exhibits, but if such objections cannot be resolved the parties may file any objections to demonstratives with the Board at least two business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. We will consider any objections and schedule a conference call if deemed necessary. Otherwise, we will reserve ruling on the objections. Any objection to demonstrative exhibits that is not presented timely will be considered waived.

The parties also shall provide the demonstrative exhibits to the Board at least *two* business days prior to the hearing by emailing them to Trials@uspto.gov. Despite the requirement in § 42.70(b) for parties to file demonstratives, the parties **shall not file** any demonstrative exhibits in this case without prior authorization from the panel. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

The parties also should note that at least one member of the panel will be attending the hearing electronically from a remote location, and that if a demonstrative is not made fully available or visible to the judge participating in the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at (571) 272-9797. The parties are also reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to

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