

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC.; EMC CORPORATION; HEWLETT-PACKARD
ENTERPRISE CO.; HP ENTERPRISE SERVICES, LLC; TERADATA
OPERATIONS, INC.; and VERITAS TECHNOLOGIES, LLC,
Petitioners,

v.

REALTIME DATA LLC d/b/a IXO,
Patent Owner.

Case: IPR2017-00176¹

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Case: IPR2017-00806

[Consolidated]

Patent No. 7,161,506

PETITIONERS' REQUEST FOR ORAL ARGUMENT

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via the Patent Review Processing System

¹ Case IPR2017-01688 has been joined with this proceeding.

Pursuant to the Board’s *Scheduling Order* dated May 30, 2017 (Paper 20) and the Board’s Order regarding *Consolidation and Coordination; Conduct of Proceedings* dated September 8, 2017 (Paper 28) (“Consolidation Order”), Dell, Inc., EMC Corporation, Hewlett Packard Enterprise Co., HP Enterprise Services, LLC, Teradata Operations, Inc.; and Veritas Technologies, LLC (“Petitioners”), respectfully request oral argument in their respective proceeding.

I. PETITIONERS’ POSITION REGARDING ORAL HEARING IN THE CONSOLIDATED PROCEEDINGS

In its Consolidation Order, the Board determined that resolving disputes related to any oral hearing was premature. Consolidation Order, p.5. The Board ordered the parties to “set forth their positions regarding the conduct of the oral hearing at the time they file formal requests for oral argument.”

Petitioners submit that one consolidated oral hearing for proceedings IPR2017-00176 (including consolidated IPR2017-00806) and IPR2017-00179 (including consolidated IPR2017-00808) is appropriate.² While many issues overlap between these two proceedings, the issues raised in these two respective proceedings have some material differences. After conferring with the parties in the

² A similar request is being filed concurrently in IPR2017-00179.

various proceedings, Petitioners and Patent Owner agree that, given the overlap in issues among the four IPR proceedings concerning the '506 and '728 patents, only one oral hearing is needed, provided that each side have at least 45 minutes to make their arguments.

II. REQUEST TO COORDINATE HEARINGS IN MULTIPLE MATTERS

Petitioners note that Patent Owner is a party to multiple *inter partes* review proceedings against overlapping Petitioners each of which is scheduled for hearing in February. *See* IPR2017-00557 (Petitioner Teradata Operations, Inc.); IPR2017-00176 (Petitioners Dell Inc., EMC Corporation, Hewlett-Packard Enterprise Co., and Veritas Technologies LLC); IPR2017-00806 (Petitioner Teradata Operations, Inc.); IPR2017-00179 (Petitioners Dell Inc., EMC Corporation, Hewlett-Packard Enterprise Co., and Veritas Technologies LLC); and IPR2017-00808 (Petitioner Teradata Operations, Inc.). Several of these proceedings are subject to the Consolidation Order.

IPR2017-00557 is currently set for oral hearing on February 20, 2018 and the remainder of the proceedings³ are set for oral hearing on February 26, 2018. For convenience and “the just, speedy, and inexpensive resolution of” these proceedings, 37 C.F.R. § 42.1(b), and for the convenience of Patent Owner and Teradata and their counsel, the parties jointly request that the Board schedule both oral hearings to occur on February 20, 2018 (*i.e.*, one oral argument for IPR2017-00557, and a second, separate oral argument to cover IPR2017-00176, IPR2017-00179, IPR2017-00806, and IPR2017-00808). Patent Owner and all Petitioners in the above-identified IPRs have indicated that they agree to this request and intend to file a substantially similar request in their respective proceedings.

If the Board cannot accommodate this request, Petitioners will be prepared to proceed on the originally-scheduled hearing date of February 26, 2018.

III. MATTERS PETITIONERS WISH TO BE HEARD ON

Pursuant to 37 C.F.R. § 42.70(a), Petitioner seeks to be heard on the following matters:

³ That is proceedings IPR2017-00176, IPR2017-00806, IPR2017-00179, and IPR2017-00808, which Petitioners submit can be addressed in one consolidated hearing.

1. Whether claims 104 and 105 of the '506 patent are unpatentable under 35 U.S.C. § 103(a) in view of *Franaszek, Hsu, and Sebastian*; and
2. any other matter that is the subject of a ground instituted for trial or matter pending before the Board at the time of the oral hearing.

IV. REQUEST FOR USE OF AUDIO/VISUAL EQUIPMENT

Petitioner requests the ability to use audio/visual equipment to display demonstrative exhibits, including the use of a projector and screen for a PowerPoint display.

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