

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

REALTIME DATA LLC,  
Patent Owner.

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Case IPR2017-00176<sup>1</sup>  
Patent No. 7,161,506

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**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT**

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<sup>1</sup> Case IPR2017-00806 has been consolidated with this proceeding. Case IPR2017-01688 has been joined with this proceeding.

IPR2017-00176 & -00806  
PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board's Scheduling Orders (IPR2017-00176, Paper 20; IPR2017-00806, Paper 20), Patent Owner respectfully requests oral argument on the issues raised in the Petitions for Inter Partes Review of U.S. Patent 7,161,506, Patent Owner's Preliminary Responses, Patent Owner's Responses, and Petitioners' Replies to Patent Owner's Responses.

Per the Board's Scheduling Orders, oral argument is currently set for the same day in these proceedings and two related proceedings, IPR2017-00179 and -00808 challenging U.S. Patent No. 9,054,728. As discussed in more detail below, given the overlap of issues, the Parties agree that a single oral argument should be scheduled across all four proceedings.

Patent Owner believes that, at that hearing, the Petitioners should make a single opening and rebuttal presentation, but may divide the time between the challenged patents and various Petitioner Parties as they see fit; similarly, Patent Owner will give a single response, but may divide its time between the challenged patents and Petitioner arguments as it sees fit. Patent Owner requests 45 minutes per side for the oral argument, but to the extent the Board wishes to allocate additional oral hearing time, Patent Owner does not object provided that Patent Owner receive corresponding additional time.

The issues to be argued with respect to the '506 patent are:

- The instituted grounds of unpatentability, namely whether:
  - claims 104 and 105 are unpatentable under 35 U.S.C. § 103(a)  
in view of Franaszek, Hsu, and Sebastian;
- Any issues identified in Petitioners' Request for Oral Argument;
- Rebuttal to Petitioners' presentation on all matters;
- Any other issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed, such as Motions to Exclude; and
- Any other outstanding motions and pleadings, and other issues that the Board deems necessary for issuing a Final Written Decision.

Patent Owner also requests the ability to use audio visual equipment to display possible demonstratives and exhibits, including the use of a computer, projector, and screen.

### **Coordination with Co-pending Realtime Data IPRs**

In addition, Patent Owner and Petitioner are parties to multiple IPRs for which oral arguments are currently scheduled to occur in February 2018. First, IPR2017-00557 (with Petitioner Teradata Operations, Inc.) challenges U.S. Patent No. 7,358,867 B2 ("the '867 IPR"). Second, both IPR2017-00176 (with Petitioners Dell Inc., EMC Corporation, Hewlett-Packard Enterprise Co., and Veritas Technologies LLC) and IPR2017-00806

IPR2017-00176 & -00806  
PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

(with Petitioner Teradata Operations, Inc.) challenge U.S. Patent 7,161,506 C2 (collectively “the ’506 IPRs”). The ’506 IPRs have been consolidated for briefing and scheduling by order of the Board. (IPR2017-00176, Paper 28). Third, both IPR2017-00179 (with Petitioners Dell Inc., EMC Corporation, Hewlett-Packard Enterprise Co., and Veritas Technologies LLC) and IPR2017-00808 (with Petitioner Teradata Operations, Inc.) challenge U.S. Patent 9,054,728 B2 (collectively “the ’728 IPRs”). The ’728 IPRs have also been consolidated for briefing and scheduling. (IPR2017-00179, Paper 29). Petitioners and Patent Owner agree that, given the overlap in issues among the four ’506 and ’728 IPRs, only one oral hearing is needed, provided that each side has at least 45 minutes of time for argument.

The ’867 IPR is currently set for oral hearing on February 20, 2018. (IPR2017-00557, Paper 15). The remainder of the proceedings are set for oral hearing on February 26, 2018. (See IPR2017-00176, Paper 26; IPR2017-00176, Paper 28; IPR2017-00179, Paper 27; IPR2017-00179, Paper 29). 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 arguments to occur on February 20, 2018 (*i.e.*, one oral argument for IPR2017-00557, and a second, separate oral argument

IPR2017-00176 & -00806  
PATENT OWNER'S REQUEST FOR 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, Patent Owner and Petitioners will be prepared to proceed on the originally-scheduled hearing dates.

Respectfully submitted,

/s/ William Rothwell

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