

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION and CAVIUM, INC.,
Petitioner,

v.

ALACRITECH, INC.,
Patent Owner.

Cases IPR2017-01391 (Patent 7,237,036 B2)
IPR2017-01392 (Patent 7,337,241 B2)
IPR2017-01393 (Patent 9,055,104 B2)
IPR2017-01405 (Patent 7,124,205 B2)
IPR2017-01406 (Patent 7,673,072 B2)
IPR2017-01409 (Patent 8,131,880 B2)
IPR2017-01410 (Patent 8,131,880 B2)¹

Before STEPHEN C. SIU, DANIEL N. FISHMAN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

¹ Cavium, Inc., which filed petitions in Cases IPR2017-01707, IPR2017-01714, IPR2017-01718, IPR2017-01728, IPR2017-01735, IPR2017-01736, and IPR2017-01737, has been joined as a petitioner in these proceedings. This Order applies to each referenced case. The parties are not authorized to use this heading style.

IPR2017-01391 (Patent 7,237,036 B2)
IPR2017-01392 (Patent 7,337,241 B2)
IPR2017-01393 (Patent 9,055,104 B2)
IPR2017-01405 (Patent 7,124,205 B2)
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IPR2017-01410 (Patent 8,131,880 B2)

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

On January 5, 2018, Patent Owner, Alacritech, Inc., filed an authorized Motion for Additional Discovery. *See, e.g.*, IPR2017-01392, Paper 18 (“Motion” or “Mot.”).² On January 10, 2018, Petitioner, Intel Corporation and Cavium, Inc., filed an Opposition to Patent Owner’s Motion for Additional Discovery. *See, e.g.*, IPR2017-01392, Paper 19 (“Opposition” or “Opp.”).³ In an e-mail message to the Board on January 12, 2018, Patent Owner indicated that Petitioner had expressed concern that the Motion improperly included some of Petitioner’s confidential information and requested that the Motion filed in each of these matters be expunged. In response, the Board informed the parties by e-mail that the Motion in each of these matters was re-designated as “Board and Parties Only” to protect any alleged confidential information and that the Patent Owner was authorized to re-file a redacted version of each Motion by January 22, 2018. The Patent Owner did not re-file redacted versions of these papers and, in an e-mail message to the Board on January 29, 2018, confirmed that they do not intend to re-file the Motion in these matters.

² Related Motions filed in other instituted reviews are identified below.

³ Related Oppositions filed in other instituted reviews are identified below.

IPR2017-01391 (Patent 7,237,036 B2)
IPR2017-01392 (Patent 7,337,241 B2)
IPR2017-01393 (Patent 9,055,104 B2)
IPR2017-01405 (Patent 7,124,205 B2)
IPR2017-01406 (Patent 7,673,072 B2)
IPR2017-01409 (Patent 8,131,880 B2)
IPR2017-01410 (Patent 8,131,880 B2)

Therefore, the Motion and corresponding Opposition in each of these matters will be expunged as of the date of this Order. The papers to be expunged are as follows:

<i>Inter Partes</i> Review Number	Paper Numbers Expunged
IPR2017-01391	14 (Mot), 15 (Opp)
IPR2017-01392	18 (Mot), 19 (Opp)
IPR2017-01393	14 (Mot), 15 (Opp)
IPR2017-01405	13 (Mot), 14 (Opp)
IPR2017-01406	18 (Mot), 19 (Opp)
IPR2017-01409	13 (Mot), 14 (Opp)
IPR2017-01410	13 (Mot), 14 (Opp)

IPR2017-01391 (Patent 7,237,036 B2)
IPR2017-01392 (Patent 7,337,241 B2)
IPR2017-01393 (Patent 9,055,104 B2)
IPR2017-01405 (Patent 7,124,205 B2)
IPR2017-01406 (Patent 7,673,072 B2)
IPR2017-01409 (Patent 8,131,880 B2)
IPR2017-01410 (Patent 8,131,880 B2)

In consideration of the foregoing, it is hereby:

ORDERED that the following papers are *expunged*:

IPR2017-01391, Papers 14, 15;
IPR2017-01392, Papers 18, 19;
IPR2017-01393, Papers 14, 15;
IPR2017-01405, Papers 13, 14;
IPR2017-01406, Papers 18, 19;
IPR2017-01409, Papers 13, 14; and
IPR2017-01410, Papers 13, 14.

IPR2017-01391 (Patent 7,237,036 B2)
IPR2017-01392 (Patent 7,337,241 B2)
IPR2017-01393 (Patent 9,055,104 B2)
IPR2017-01405 (Patent 7,124,205 B2)
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IPR2017-01409 (Patent 8,131,880 B2)
IPR2017-01410 (Patent 8,131,880 B2)

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