

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION, CAVIUM, LLC, and
DELL INC.,¹
Petitioner,

v.

ALACRITECH, INC.,
Patent Owner.

Cases IPR2018-00226 (Patent 7,124,205 B2)
IPR2018-00234 (Patent 8,805,948 B2)
IPR2018-00401 (Patent 7,945,699 B2)

Before DANIEL N. FISHMAN and CHARLES J. BOUDREAU,
Administrative Patent Judges.

FISHMAN, *Administrative Patent Judge.*

¹ Cavium, Inc., which filed petitions in Cases IPR2018-00400 and IPR2018-00403, and Dell Inc., which filed petitions in IPR2018-01306 and IPR2018-01307, were joined as petitioners in IPR2018-00226 and IPR2018-00234, respectively. Intel Corporation, which filed a petition in IPR2018-01352, was joined as a petitioner in IPR2018-00401 and was designated as the primary petitioner. According to updated mandatory notices filed in the identified proceedings, Cavium, Inc. has now been converted to Cavium, LLC. *See, e.g.*, IPR2018-00226, Paper 28.

IPR2018-00226 (Patent 7,124,205 B2)
IPR2018-00234 (Patent 8,805,948 B2)
IPR2018-00401 (Patent 7,945,699 B2)

ORDER²

Authorizing Briefing Regarding Preserving the Record Pending Appeal
37 C.F.R. §§ 42.5, 42.56

Responsive to an email message to the Board from Petitioner (Intel Corporation) received on October 14, 2019, a conference call was conducted on October 18, 2019 to discuss Petitioner's request for an extension of time to file any motions to expunge. The conference call included counsel for the parties and Judges Boudreau and Fishman.

Petitioner argued in the conference call that it is still determining whether to file appeals to the United States Court of Appeals for the Federal Circuit in these three cases and the deadline for such filings has not yet passed. Moreover, the deadline for filing any motions to expunge the record has not been clearly identified by this panel and Petitioner is concerned the deadline may pass soon if it has not already passed. Therefore, Petitioner requests authorization to file a motion to extend the deadline for filing any such motions to expunge in these three cases. Specifically, Petitioner seeks an extension of forty-five (45) days beyond the deadline to file an appeal if Petitioner chooses not to file any such appeals. In the alternative, if Petitioner decides to file an appeal in any of these three cases, Petitioner seeks an extension of forty-five (45) days beyond the date that any decisions of the Federal Circuit become final for all such appeals in these cases.

In the conference call, Patent Owner did not object to granting authorization to file the proposed motions if it is also granted authorization to file corresponding

² This order addresses issues that are similar in all identified cases. We exercise our discretion to issue one order to be filed in each case. The parties are not authorized to use this style heading in subsequent papers.

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oppositions to the motions. Petitioner indicated in the conference call that it would confer with Patent Owner in hopes of filing the motions unopposed.

We authorize the requested filings as follows. In each of the above-identified matters, Petitioner is authorized to file a Motion to Preserve the Record Pending Appeal no later than Wednesday October 23, 2019 and not to exceed five (5) pages in length. In each of the above-identified matters, if Patent Owner opposes Petitioner's motion, Patent Owner is authorized to file an Opposition to Petitioner's Motion to Preserve the Record Pending Appeal no later than Monday October 28, 2019 and no longer than five (5) pages in length.

Furthermore, all presently sealed papers and exhibits will remain sealed until further orders from this panel. Still further, the deadline for filing of any motions to expunge the record is extended until further orders from this panel.

Accordingly, it is

ORDERED that, in each of the above-identified matters, Petitioner is authorized to file a Motion to Preserve the Record Pending Appeal no later than Wednesday October 23, 2019 and not to exceed five (5) pages in length;

FURTHER ORDERED that, in each of the above-identified matters, if Patent Owner opposes Petitioner's motion, Patent Owner is authorized to file an Opposition to Petitioner's Motion to Preserve the Record Pending Appeal no later than Monday October 28, 2019 and no longer than five (5) pages in length;

FURTHER ORDERED that, in each of the above-identified matters, all presently sealed papers and exhibits will remain sealed until further orders from this panel; and

IPR2018-00226 (Patent 7,124,205 B2)

IPR2018-00234 (Patent 8,805,948 B2)

IPR2018-00401 (Patent 7,945,699 B2)

FURTHER ORDERED that, in each of the above-identified matters, the deadline for filing any motions to extend is extended until further orders from this panel.

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