

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

QUALCOMM INCORPORATED,
Patent Owner.

Cases

IPR2018-01334

IPR2018-01335

IPR2018-01336

Patent 8,838,949 B2

Before TREVOR M. JEFFERSON, DANIEL J. GALLIGAN, and
AARON W. MOORE, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

ORDER
Consolidation of Proceedings
37 C.F.R. § 42.122(a)

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DISCUSSION

In recent separate decisions, we instituted *inter partes* reviews in Cases IPR2018-01334, IPR2018-01335, and IPR2018-01336. Paper 10 in each proceeding (entered March 18, 2019). These three proceedings involve the same parties, the same patent, and overlapping prior art. On March 27, 2019, we held a conference call with the parties to discuss consolidation of these cases. David Cavanaugh and Thomas Anderson appeared for Petitioner, and David Cochran and Joseph Sauer appeared for Patent Owner. This Order reflects the substance of what was discussed on the call.

In order to secure just, speedy, and inexpensive resolutions of all three proceedings, and to administer the proceedings efficiently, we exercise our authority to consolidate the trials in IPR2018-01335 and IPR2018-01336 with the trial in IPR2018-01334. *See* 37 C.F.R. §§ 42.1(b), 42.122(a).

IPR2018-01335 and IPR2018-01336 are no longer necessary as separate proceedings and are terminated. *See* 37 C.F.R. § 42.72. Unless otherwise ordered, any further papers and exhibits shall be filed only in IPR2018-01334. Consequently, Petitioner and Patent Owner each may file only one paper for each of the parties' respective deadlines set out in the Scheduling Order (Paper 11). During the call, the parties stated that they had agreed on word limits for certain papers as follows: 35,000 words for the Patent Owner Response; 14,000 words for Petitioner's Reply; and 14,000 words for Patent Owner's Sur-Reply. We accept the parties' proposed word limits for these papers. The page and word count limitations set forth in our Rules shall apply to all other papers. *See* 37 C.F.R. § 42.24.

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Petitioner filed a number of exhibits in each case that are duplicates of exhibits in other cases but numbered uniquely in each case and cited according to the unique exhibit number in each corresponding petition and preliminary response. The parties are ordered to confer and file a paper in surviving case IPR2018-01334 that identifies exhibits that are substantively identical among all three cases. Such duplicated exhibits shall not be re-filed in case IPR2018-01334. Exhibits from either IPR2018-01335 or IPR2018-01336 that are not in the record in IPR2018-01334 will be filed in IPR2018-01334. All further filed papers will refer to exhibit numbers in surviving case IPR2018-01334.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the trials of IPR2018-01335 and IPR2018-01336 are consolidated with the trial of IPR2018-01334, and a copy of this Order is filed in all three cases;

FURTHER ORDERED that the grounds of unpatentability on which the consolidated trial shall proceed are as follows:

- (1) claims 1–15, 22, and 23 as obvious over Bauer, Svensson, and Kim; and
- (2) claims 16 and 17 as obvious over Bauer, Svensson, Kim, and Zhao; and
- (3) claims 18–21 as obvious over Bauer, Svensson, Kim, and Lim.

FURTHER ORDERED that IPR2018-01335 and IPR2018-01336 are terminated;

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FURTHER ORDERED that each Party shall file in surviving case IPR2018-01334 any exhibits from IPR2018-01335 or IPR2018-01336 that are not of record in IPR2018-01334 within ten (10) business days of the entry of this Order;

FURTHER ORDERED that each Party shall file an exhibit list in IPR2018-01334 identifying (1) the exhibits previously filed in IPR2018-01334 and (2) the exhibits newly filed in IPR2018-01334 as a result of consolidation within ten (10) business days of the entry of this Order;

FURTHER ORDERED that the parties shall jointly file a paper in surviving case IPR2018-01334 that identifies exhibits that are substantively identical among all three cases;

FURTHER ORDERED that the case caption in IPR2018-01334 shall be changed to reflect the consolidation of IPR2018-01335 and IPR2018-01336 with IPR2018-01334, in accordance with the attached example; and

FURTHER ORDERED that word count limitations for certain papers are modified as follows: 35,000 words for the Patent Owner Response; 14,000 words for Petitioner's Reply; and 14,000 words for Patent Owner's Sur-Reply.

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