

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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QUALCOMM INCORPORATED and  
ZYXEL COMMUNICATIONS CORPORATION<sup>1</sup>  
Petitioner,

v.

UNM RAINFOREST INNOVATIONS,  
Patent Owner.

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IPR2021-00375 (Patent 8,265,096 B2)  
IPR2021-00377 (Patent 8,249,204 B2)  
IPR2021-00582 (Patent 8,565,326 B2)<sup>2</sup>

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Before KRISTEN L. DROESCH, BARBARA A. PARVIS, and  
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

ORDER

Modifying Requirements for Filing and Serving Demonstratives  
*37 C.F.R. § 42.5*

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<sup>1</sup> ZyXEL Communications Corporation was joined as a petitioner in these proceedings based on petitions and motions for joinder filed in IPR2021-00734, IPR2021-00739, and IPR2021-00741, respectively.

<sup>2</sup> This Order addresses overlapping issues in the cases listed above. Therefore, we issue one Order to be filed in each case. The parties, however, are not authorized to use this style of filing.

IPR2021-00375 (Patent 8,265,096 B2)

IPR2021-00377 (Patent 8,249,204 B2)

IPR2021-00582 (Patent 8,565,326 B2)

In the Order of April 26, 2022 (Paper 50<sup>3</sup>), Due Date 8 was changed and Oral Arguments were set for May 12, 2022. In an e-mail to the Board on April 26, 2022, counsel for Petitioner indicated that Petitioner's Sur-reply to the Opposition to Patent Owner's Revised Motion to Amend is Due on May 9, 2022 (Due Date 7A), after the parties are required to serve demonstratives on opposing counsel and file demonstratives with the Board according to the Order of April 26, 2022. *See* Paper 50, 4. We consider Petitioner's notification of the conflicting due dates a request to modify the schedule for serving and filing demonstratives.

In view of the conflicting due dates, we waive the requirement of 37 C.F.R. § 42.70(b) that demonstratives shall be served on opposing counsel at least seven (7) business days before the hearing date. *See* 37 C.F.R. § 42.5(b). We also withdraw the requirement (*see* Paper 50, 4) that demonstratives shall be filed with the Board no later than five (5) business days before the hearing. *See* 37 C.F.R. § 42.5(a).

Accordingly, we modify the requirements as follows: demonstratives shall be served on opposing counsel at least two (2) business days before the hearing date (i.e., May 10, 2022) and filed no later than two (2) business days before the hearing (i.e., May 10, 2022). *See* 37 C.F.R. § 42.5(a), (c)(1). In the event the parties have unresolved objections to the demonstratives, the parties may file any objections to the demonstratives with the Board no later than one (1) business day before the hearing (i.e., May 11, 2022).

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<sup>3</sup> Unless otherwise noted, we cite to the papers filed in IPR2021-00375. Similar Papers were filed in IPR2021-00377 and IPR2021-00582.

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ORDER

Accordingly, it is

ORDERED that demonstratives shall be served on opposing counsel at least two (2) business days before the hearing date;

FURTHER ORDERED that demonstratives shall be filed no later than two (2) business days before the hearing; and

FURTHER ORDERED that, in the event the parties have unresolved objections to the demonstratives, the parties may file any objections to the demonstratives with the Board no later than one (1) business day before the hearing.

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