

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED,
Petitioner,

v.

UNM RAINFOREST INNOVATIONS,
Patent Owner.

IPR2021-00375 (Patent 8,265,096 B2)
IPR2021-00377 (Patent 8,249,204 B2)
IPR2021-00582 (Patent 8,565,326 B2)¹

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

DROESCH, *Administrative Patent Judge*.

REVISED SCHEDULING ORDER

¹ 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

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On October 4, 2021, we issued an order permitting the parties to file additional briefing to address the issues of patent ownership and standing. *See, e.g.*, IPR2021-00375, Paper 19. To accommodate the additional briefing and to minimize the expenditure of resources by the parties, we amended the Scheduling Order in each proceeding to change DUE DATE 1 to December 7, 2021. *Id.* We now further amend the Scheduling Order in each proceeding to change DUE DATES 2 through 8 to enable the Board to complete each trial within the one-year statutory deadline, align the schedules of all three proceedings, and hold a consolidated hearing for all three proceeding on the same day. DUE DATES 2 through 8 are revised according to the attached REVISED DUE DATE APPENDIX.

The parties are still permitted to stipulate to different dates for DUE DATES 1, 5, and 6, as well as the portion of DUE DATE 2 related to Petitioner's reply (earlier or later, but no later than DUE DATE 3 for Patent Owner's sur-reply) and the portion of DUE DATE 3 related to Patent Owner's sur-reply (earlier or later, but no later than DUE DATE 7). The parties may not stipulate to a different date for the portion of DUE DATE 2 related to Petitioner's opposition to a motion to amend, or for the portion of DUE DATE 3 related to Patent Owner's reply to an opposition to a motion to amend (or Patent Owner's revised motion to amend) without prior authorization from the Board. In stipulating to move any due dates in the scheduling order, the parties must be cognizant that the Board requires four weeks after the filing of an opposition to the motion to amend (or the due date for the opposition, if none is filed) for the Board to issue its preliminary guidance, if requested by Patent Owner. A notice of the stipulation,

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specifically identifying the changed due dates, must be promptly filed. The parties may not stipulate an extension of DUE DATES 4, 7, and 8.

In stipulating different times, the parties should consider the effect of the stipulation on times to object to evidence (37 C.F.R. § 42.64(b)(1)), to supplement evidence (§ 42.64(b)(2)), to conduct cross-examination (§ 42.53(d)(2)), and to draft papers depending on the evidence and cross-examination testimony

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REVISED DUE DATE APPENDIX

DUE DATE 1	December 7, 2021
Patent Owner's response to the petition	
Patent Owner's motion to amend the patent	
DUE DATE 2	March 1, 2022
Petitioner's reply to Patent Owner's response to petition	
Petitioner's opposition to motion to amend	
DUE DATE 3	March 29, 2022
Patent Owner's sur-reply to reply	
Patent Owner's reply to opposition to motion to amend (or Patent Owner's revised motion to amend) ²	
DUE DATE 4	April 12, 2022
Request for oral argument (may not be extended by stipulation)	
DUE DATE 5	April 19, 2022
Petitioner's sur-reply to reply to opposition to motion to amend	
Motion to exclude evidence	
DUE DATE 6	April 26, 2022
Opposition to motion to exclude	
Request for prehearing conference	
DUE DATE 7	May 3, 2022
Reply to opposition to motion to exclude	
DUE DATE 8	May 12, 2022
Oral argument (if requested)	

² If Patent Owner files neither a reply to Petitioner's opposition to the motion to amend nor a revised motion to amend, the parties are directed to Section B(3) in the Scheduling Orders issued with the Decisions on Institution.

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