

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*.

SECOND 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

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

The panel issued a Revised Scheduling Order in each of these proceedings on October 15, 2021, to accommodate the parties' filing of additional briefing to address issues of patent ownership and standing. *See, e.g.*, IPR2021-00375, Paper 20. Subsequently, Patent Owner filed a Motion to Amend in each proceeding, along with corresponding requests for preliminary guidance. *See, e.g.*, IPR2021-00375, Paper 27. To allow ample time for the Board to issue its preliminary guidance on each Motion to Amend, DUE DATE 3 must be postponed. We also revise the Scheduling Order in each proceeding to change DUE DATES 5 through 7. DUE DATES 3 and 5 through 7 are revised according to the attached Second Revised Due Date Appendix. DUE DATES 2, 4, and 8 remain unchanged.

The parties are still permitted to stipulate to different dates for DUE DATES 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,

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

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

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

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

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

SECOND REVISED DUE DATE APPENDIX

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	April 11, 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 25, 2022
Petitioner’s sur-reply to reply to opposition to motion to amend	
Motion to exclude evidence	
DUE DATE 6	May 3, 2022
Opposition to motion to exclude	
Request for prehearing conference	
DUE DATE 7	May 9, 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.

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

PETITIONER:

Jonathan Detrixhe
Peter Chassman
jdetrixhe@reedsmith.com
pchassman@reedsmith.com

PATENT OWNER:

Jay Kesan
jay@jaykesan.com

Alfonso Chan
achan@shorechan.com