

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

QUALCOMM INCORPORATED,
Patent Owner.

Cases¹
IPR2018-01250
IPR2018-01251
Patent 8,447,132 B1

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

GALLIGAN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

¹ This Order applies to both cases. The parties may not use this style heading unless authorized.

On March 14, 2019, a conference call was held with the parties to discuss possible courses of action to address Petitioner's declarant's becoming unavailable for cross-examination, an issue raised by email to the Board on March 12, 2019. *See* Ex. 3001.² Tim Riffe and Karl Renner appeared for Petitioner, and Eagle Robinson appeared for Patent Owner. On the call, the parties agreed on a general framework for dealing with the situation and also agreed to apprise the Board when Petitioner had found a declarant and the parties had reached a final agreement.

By email, the parties have informed us that Petitioner has retained a declarant who will be made available for deposition on March 28, 2019. Ex. 3001. The parties have agreed that Petitioner will serve and file a new Exhibit 1003 in IPR2018-01250 and a new Exhibit 1017 in IPR2018-01251, along with a request to expunge original Exhibits 1003 and 1017 (Declarations of Dr. Larry Davis) from the record. Ex. 3001. Petitioner represents that the substitute declarations will be identical to Dr. Davis's earlier declarations, with the sole exception being the replacement of Dr. Davis's name and qualifications with those of the new declarant.

We grant the parties' request to proceed as agreed, and we appreciate the parties' cooperation on this issue.

Accordingly, it is

ORDERED that Petitioner is authorized to serve and file a new Exhibit 1003 in IPR2018-01250 and a new Exhibit 1017 in IPR2018-01251, along with a request to expunge original Exhibits 1003 and 1017

² Exhibit 3001 is entered in both cases.

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(Declarations of Dr. Larry Davis) from the record, on the condition that the substitute declarations be identical to Dr. Davis's earlier declarations, with the sole exception being the replacement of Dr. Davis's name and qualifications with those of the new declarant; and

FURTHER ORDERED that the 10-business day notice period of 37 CFR § 42.53(d)(4) is waived.

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