

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

QUALCOMM INCORPORATED,
Patent Owner.

Cases

IPR2018-01261

IPR2018-01293

IPR2018-01295

IPR2018-01344

IPR2018-01346

Patent 9,535,490 B2

Before DANIEL N. FISHMAN, DANIEL J. GALLIGAN, and
AARON W. MOORE, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

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

INTRODUCTION

In recent separate decisions, we instituted *inter partes* reviews in Cases IPR2018-01261 (Paper 8, instituted January 15, 2019), IPR2018-01293 (Paper 8, instituted January 15, 2019), IPR2018-01295 (Paper 8, instituted January 15, 2019), IPR2018-01344 (Paper 8, instituted January 23, 2019), and IPR2018-01346 (Paper 8, instituted January 23, 2019). These five proceedings involve the same parties, the same patent, and overlapping prior art. On January 25, 2019, we held a conference call with the parties to discuss consolidation of these cases, and this Order reflects the substance of what we advised the parties on the call.

In order to secure just, speedy, and inexpensive resolutions of all five proceedings, and to administer the proceedings efficiently, we exercise our authority to consolidate the trials in IPR2018-01293, IPR2018-01295, IPR2018-01344, and IPR2018-01346 with the trial in IPR2018-01261. *See* 37 C.F.R. §§ 42.1(b), 42.122(a).

IPR2018-01293, IPR2018-01295, IPR2018-01344, and IPR2018-01346, as separate proceedings, are no longer necessary, and are terminated. *See* 37 C.F.R. § 42.72. Unless otherwise ordered, any further papers and exhibits shall be filed only in IPR2018-01261. Consequently, Patent Owner may file only one Patent Owner Response (addressing all claims at issue in the consolidated cases) and/or one Motion to Amend (directed to any of the claims at issue in the consolidated cases), Petitioner may file only one Reply to the Patent Owner Response and one Opposition to Motion to Amend, and Patent Owner may file only one Sur-Reply to Petitioner's Reply and one Reply to Petitioner's Opposition to Motion to Amend, as appropriate. Page and word count limitations, as set forth in our Rules, shall apply to any such papers. During the call, however, the parties indicated that they may jointly

request a reasonable number of additional pages for these papers. We will rule on any such request as soon as practicable. The parties are advised to make such requests as soon as possible because requests made right before the filing deadlines may not be granted in time.

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 IPR2018-01261 that identifies exhibits that are substantively identical among all five cases. Such duplicated exhibits shall not be re-filed in case IPR2018-01261. Exhibits that are unique to a particular case that is now consolidated into surviving case IPR2018-01261 will be re-filed in surviving case IPR2018-01261. All further filed papers will refer to exhibit numbers in surviving case IPR2016-01261.

ORDERS

In consideration of the foregoing, it is hereby:

ORDERED that the trials of IPR2018-01293, IPR2018-01295, IPR2018-01344, and IPR2018-01346, are consolidated with the trial of IPR2018-01261, and a copy of this Order is filed in all five cases;

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

- (1) claims 1, 4–6, 8, 9, 11–13, 16, 20, 22–24, 26–28, 30, and 31 as obvious over Heinrich and Balasubramanian; and
- (2) claims 2, 3, and 17 as obvious over Heinrich, Balasubramanian, and Tsai.

FURTHER ORDERED that IPR2018-01293, IPR2018-01295, IPR2018-01344, and IPR2018-01346 are terminated;

FURTHER ORDERED that, unless otherwise ordered, each Party shall file any exhibits previously filed *only* in IPR2018-01293, IPR2018-01295, IPR2018-01344, or IPR2018-01346, in surviving case IPR2018-01261 within ten (10) business days of the entry of this Order;

FURTHER ORDERED that each Party shall file an exhibit list in IPR2018-01261 identifying (1) the exhibits previously filed in IPR2018-01261 and (2) the exhibits previously filed only in IPR2018-01293, IPR2018-01295, IPR2018-01344, or IPR2018-01346, but newly filed in IPR2018-01261, within ten (10) business days of the entry of this Order;

FURTHER ORDERED that the parties shall jointly file a paper in surviving case IPR2018-01261 that identifies exhibits that are substantively identical among all five cases; and

FURTHER ORDERED that the case caption in IPR2018-01261 shall be changed to reflect the consolidation of IPR2018-01293, IPR2018-01295, IPR2018-01344, and IPR2018-01346 with IPR2018-01261, in accordance with the attached example.

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¹ IPR2018-01293, IPR2018-01295, IPR2018-01344, and IPR2018-01346
have been consolidated with the instant proceeding.