

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

TELA INNOVATIONS, INC.,
Patent Owner.

IPR2019-01636 (Patent 10,141,334 B2)
IPR2019-01637 (Patent 10,141,335 B2)¹

Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and
WESLEY B. DERRICK, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

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

¹ The parties are not authorized to use this style heading for any subsequent papers.

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On April 29, 2020, Petitioner contacted the Board via email to request changes to the scheduling orders entered in the above-captioned cases, to better align them with the combined scheduling orders in related cases IPR2019-01520, IPR2019-01521, and IPR2019-01522 (the “Related Cases”). *See* Exhibit A. Petitioner specifically requested that Due Dates 1–8 of the above-captioned cases be adjusted to coincide with the corresponding Due Dates in the Related Cases, and that the hearing take place in the Alexandria, Virginia USPTO Regional Office. *Id.* Petitioner attached a table proposing a consolidated schedule in the above-captioned cases and the Related Cases. *See* Exhibit B. Petitioner also represented that Patent Owner and Petitioner have conferred and that Patent Owner consents to Petitioner’s request. *See* Exhibit A.

We have reviewed Petitioner’s proposal, and note that the parties are in agreement as to the proposed revised schedule. We seek to “secure the just, speedy, and inexpensive resolution of every proceeding.” *See* 37 C.F.R. § 42.1(b). Because we agree with the parties that the proposed schedule is aligned with these objectives, and does not unduly burden either party or the Board, the Board finds it appropriate to enter the scheduling order below to align the schedules in all five proceedings.

Accordingly, the Board herein modifies the schedules of IPR2019-01636 and IPR2019-01637 to align with the schedules in the Related Cases. The alignment of the schedules will allow for procedural efficiencies in this group of cases involving related patents and the same parties. The alignment of the schedules will also maximize efficiencies and allow the Board to evaluate any interrelated arguments in a contemporaneous, rather than staggered, manner. Accordingly, the Board determines that the changes

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detailed below shall be made to the scheduling orders in each of the above-captioned proceedings.

In response to the parties' question regarding a conference call, the Board determines that no Initial Conference Call is necessary to discuss the requested changes.

ORDER

Accordingly, it is:

ORDERED that the Scheduling Order below shall serve as the scheduling order in each of the above-captioned cases.

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A. GENERAL INSTRUCTIONS

1. Initial Conference Call

The parties are directed to contact the Board within a month of this Order if there is a need to discuss proposed changes to this Scheduling Order or proposed motions that have not been authorized in this Order or other prior Order or Notice. *See* Consolidated Trial Practice Guide (“Consolidated Practice Guide”)² at 9–10, 65 (guidance in preparing for a conference call); *see also* 84 Fed. Reg. 64,280 (Nov. 21, 2019). A request for an initial conference call shall include a list of proposed motions, if any, to be discussed during the call.

2. Protective Order

No protective order shall apply to this proceeding until the Board enters one. If either party files a motion to seal before entry of a protective order, a jointly proposed protective order shall be filed as an exhibit with the motion. The Board encourages the parties to adopt the Board’s default protective order if they conclude that a protective order is necessary. *See* Consolidated Practice Guide at 107–122 (App. B, Protective Order Guidelines and Default Protective Order). If the parties choose to propose a protective order deviating from the default protective order, they must submit the proposed protective order jointly along with a marked-up comparison of the proposed and default protective orders showing the differences between the two and explain why good cause exists to deviate from the default protective order.

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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The Board has a strong interest in the public availability of trial proceedings. Redactions to documents filed in this proceeding should be limited to the minimum amount necessary to protect confidential information, and the thrust of the underlying argument or evidence must be clearly discernible from the redacted versions. We also advise the parties that information subject to a protective order may become public if identified in a final written decision in this proceeding, and that a motion to expunge the information will not necessarily prevail over the public interest in maintaining a complete and understandable file history. *See Consolidated Practice Guide at 21–22.*

3. Discovery Disputes

The Board encourages parties to resolve disputes relating to discovery on their own. To the extent that a dispute arises between the parties relating to discovery, the parties must meet and confer to resolve such a dispute before contacting the Board. If attempts to resolve the dispute fail, a party may request a conference call with the Board.

4. Testimony

The parties are reminded that the Testimony Guidelines appended to the Consolidated Practice Guide at 127–130 (App. D, Testimony Guidelines) apply to this proceeding. The Board may impose an appropriate sanction for failure to adhere to the Testimony Guidelines. 37 C.F.R. § 42.12. For example, reasonable expenses and attorneys' fees incurred by any party may be levied on a person who impedes, delays, or frustrates the fair examination of a witness.

5. Cross-Examination

Except as the parties might otherwise agree, for each due date:

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