

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DATABRICKS, INC.,
Petitioner

v.

R2 SOLUTIONS LLC,
Patent Owner

IPR2024-00659
Patent 8,190,610 B2

Before KARL D. EASTHOM, KRISTEN L. DROESCH, and BRIAN P.
MURPHY, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

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

I. INTRODUCTION AND BACKGROUND

Petitioner Databricks, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of U.S. Patent No. 8,190,610 (“the ’610 patent”) on March 6, 2024. Paper 1. Petitioner also filed a motion for joinder with *Cloudera, Inc. v. R2 Solutions LLC*, IPR2024-00303 that challenges the ’610 patent (hereafter the “Cloudera IPR”). Paper 3 (citing 35 U.S.C. § 315(c) and 37 C.F.R. § 122(b)). The Cloudera IPR petition was filed on December 18, 2023 and received a Notice of Filing Date Accorded on December 29, 2023. IPR2024-00303, Paper 3. R2 Solutions LLC (“Patent Owner”) filed a preliminary response in the Cloudera IPR on March 29, 2024. IPR2024-00303, Paper 8. The Board’s institution decision in the Cloudera IPR is due to be entered no later than June 29, 2024.

The Petition in this proceeding is “substantively identical to the petition filed in [the Cloudera IPR].” IPR2024-00303, Paper 3 at 1. At the instruction of the Board, counsel for Patent Owner has conferred with counsel for Petitioner and counsel for petitioner in the Cloudera IPR. The parties represent that “R2 and Cloudera do not oppose joinder of IPR2024-00659 with IPR2024-00303, and R2 will not file an opposition to Databricks’ joinder motion.” Ex. 3001. Patent Owner has indicated an intent to file a Preliminary Response to the Petition in this proceeding, which is due no later than June 26, 2024. *Id.* (“R2 confirmed that it intends to file a POPR in IPR2024-00659”). Thus, we take this opportunity to better align the timing of the preliminary responses and institution decisions in both cases.

II. DISCUSSION

Pursuant to 35 U.S.C. § 313, Patent Owner has the right to file a preliminary response to Petitioner’s petition, “within a time period set by the Director.” Our

rules are “construed to secure the just, speedy, and inexpensive resolution of every proceeding,” and the “Board may set times by Order.” 37 C.F.R. §§ 42.1(b), 42.5(c)(1). We also acknowledge the parties’ effort to meet and confer to advance the goal of efficiency in the two proceedings, which is appreciated. Having considered the procedural status of this proceeding and the Cloudera IPR, we have determined that the just, speedy, and inexpensive resolution of the two proceedings will be furthered by having Patent Owner file a Preliminary Response sooner than the June 26th due date. Under the circumstances, we see no prejudice to having Patent Owner file its Preliminary Response in this proceeding no later than May 24, 2024.

III. ORDER

Accordingly, it is

ORDERED that Patent Owner shall file its Preliminary Response to the Petition in this proceeding no later than May 24, 2024;

FURTHER ORDERED that Petitioner may file a 3-page Reply to Patent Owner’s Preliminary Response addressing any arguments for discretionary denial under 35 U.S.C. § 325(d) no later than May 31, 2024;

FURTHER ORDERED that Patent Owner may file a 3-page Sur-Reply addressing Petitioner’s Reply arguments no later than June 7, 2024.

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For PETITIONER:

Dargaye Churnet
FENWICK & WEST LLP
dchurnet@fenwick.com

For PATENT OWNER:

Carder W. Brooks
Brent N. Bumgardner
NELSON BUMGARDNER CONROY P.C.
carder@nelbum.com
brent@nelbum.com