

1 ADAM R. ALPER (S.B.N. 196834)  
KIRKLAND & ELLIS LLP  
2 555 California Street  
San Francisco, California 94104  
3 Telephone: (415) 439-1400  
Facsimile: (415) 439-1500  
4 [aalper@kirkland.com](mailto:aalper@kirkland.com)

5 TIMOTHY G. MAJORS (S.B.N. 228275)  
KIRKLAND & ELLIS LLP  
6 333 South Hope Street  
Los Angeles, California 90071  
7 Telephone: (213) 680-8400  
Facsimile: (213) 680-8500  
8 [tim.majors@kirkland.com](mailto:tim.majors@kirkland.com)

9 DANIEL W. MCDONALD (*Pro Hac Vice*)  
[dmcdonald@merchantgould.com](mailto:dmcdonald@merchantgould.com)  
10 WILLIAM D. SCHULTZ (*Pro Hac Vice*)  
[wschultz@merchantgould.com](mailto:wschultz@merchantgould.com)  
11 ERIC CHAD (*Pro Hac Vice*)  
[echad@merchantgould.com](mailto:echad@merchantgould.com)  
12 MERCHANT & GOULD P.C.  
3200 IDS Center  
13 80 South Eighth Street  
Minneapolis, Minnesota 55402-2215  
14 Telephone: (612) 332-5300  
Facsimile: (612) 332-9081

15 Attorneys for Defendant CARDIOCOM,  
16 LLC

BAS DE BLANK (S.B.N. 191487)  
[basdeblank@orrick.com](mailto:basdeblank@orrick.com)  
SIDDHARTHA VENKATESAN (S.B.N. 245008)  
[svenkatesan@orrick.com](mailto:svenkatesan@orrick.com)  
LILLIAN MAO (S.B.N. 267410)  
[lmao@orrick.com](mailto:lmao@orrick.com)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
100 Marsh Road  
Menlo Park, California 94025  
Telephone: (650) 614-7400  
Facsimile: (650) 614-7401

Attorneys for Plaintiff  
ROBERT BOSCH HEALTHCARE SYSTEMS,  
INC.

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 ROBERT BOSCH HEALTHCARE  
SYSTEMS, INC.,

21 Plaintiff,

22 v.

23 CARDIOCOM, LLC,

24 Defendant.

Case No. 3:14-cv-01575-EMC

**JOINT SUPPLEMENTAL CASE  
MANAGEMENT STATEMENT AND  
[PROPOSED] ORDER**

Date: January 14, 2016  
Time: 9:30 A.M.  
Dept: 5  
Judge: Edward M. Chen

Pursuant the Court's June 29, 2015 Order (Dkt. No. 159), Plaintiff Robert Bosch Healthcare Systems, Inc. ("Bosch") and Defendant Cardiocom, LLC ("Cardiocom") hereby supplement their previous joint case management statements (Dkt. Nos. 140, 150, 152, 158) with the current status of the post-grant review proceedings relevant to the Patents-in-Suit:

| <b>IPR / Reexam Case No.</b>           | <b>Patent No.</b> | <b>Claims Challenged</b> | <b>Status</b>                                                                                                                                                                                                            |
|----------------------------------------|-------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IPR2013-00468 & IPR2013-00469 (merged) | 7,516,192         | 1-37 (all claims)        | Final decision issued Jan. 27, 2015. All challenged claims cancelled. Bosch filed Notice of Appeal on Mar. 18, 2015. Appeal pending (consolidated appeal No. 15-1601). Briefing and Appendix completed on Dec. 17, 2015. |
| 90/013,269                             | 7,516,192         | 1-10, 13-19, 37          | Office Action rejecting challenged claims mailed May 19, 2015. Bosch filed Notice of Appeal on July 2, 2015. Bosch filed Reply Brief and Request for Oral Hearing on December 21, 2015.                                  |
| IPR2013-00449                          | 7,840,420         | 1-5 (all claims)         | Final decision issued Jan. 15, 2015. All challenged claims cancelled. Bosch filed Notice of Appeal on Mar. 18, 2015. Appeal pending (consolidated appeal No. 15-1601). Briefing and Appendix completed on Dec. 17, 2015. |
| 90/013,270                             | 7,840,420         | 1-5 (all claims)         | All claims confirmed on June 5, 2015. Reexamination certificate issued on July 22, 2015.                                                                                                                                 |
| IPR2013-00431                          | 7,921,186         | 1-16 (all claims)        | Final decision issued Jan. 15, 2015. All challenged claims cancelled. Bosch filed Notice of Appeal on Mar. 18, 2015. Appeal pending (consolidated appeal No. 15-1601). Briefing and Appendix completed on Dec. 17, 2015. |
| 90/013,263                             | 7,921,186         | 1-8                      | Final Office Action rejecting challenged claims mailed April 15, 2015. Bosch filed Notice of Appeal on Sept. 15, 2015 and Appeal Brief on Nov. 16, 2015. Examiner filed Answer to Appeal Brief on December 1, 2015.      |
| IPR2013-00451                          | 7,587,469         | 1, 2, 5-10               | Final decision issued Jan. 15, 2015. All challenged claims cancelled. Bosch filed Notice of Appeal on Mar. 18, 2015. Bosch requested termination of Appeal, which was granted on July 24, 2015.                          |
| 90/013,175                             | 7,587,469         | 1-22 (all claims)        | Reexamination certificate issued on December 8, 2015, confirming claims 3 and 4, and rejecting claims 1, 2, and 5-22.                                                                                                    |

| IPR / Reexam Case No.                     | Patent No. | Claims Challenged | Status                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------|------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 90/013,663                                | 7,587,469  | 3                 | Reexamination request filed on Dec. 21, 2015, pending decision by Office.                                                                                                                                                                                                                                                                                                                                            |
| IPR2014-00488                             | 7,769,605  | 1-9 (all claims)  | IPR Instituted on all claims Sept. 2014. Terminated on Bosch's Motion to Terminate for Petitioner's Failure to Name all Real Parties in Interest on March 16, 2015. Request for Rehearing denied May 22, 2015. Medtronic filed Notice of Appeal on July 23, 2015. Federal Circuit granted Bosch's motion to dismiss appeal on Nov. 17, 2015. Medtronic filed petition for <i>en banc</i> rehearing on Dec. 17, 2015. |
| 90/013,167                                | 7,769,605  | 1-9 (all claims)  | All claims confirmed on June 2, 2015. Reexamination certificate issued on June 22, 2015.                                                                                                                                                                                                                                                                                                                             |
| 90/013,484                                | 7,769,605  | 1-9 (all claims)  | Reexamination ordered on all claims June 9, 2015. First office action issued on Sept. 10, 2015, rejecting all claims. Bosch submitted response on Nov. 10, 2015. Pending Examiner action.                                                                                                                                                                                                                            |
| 90/013,527                                | 7,769,605  | 1-9 (all claims)  | Petition filed June 12, 2015. Reexamination denied on Aug. 12, 2015. Petition for review of reexamination denial filed on Sept. 14, 2015. Pending Office response to petition for review.                                                                                                                                                                                                                            |
| IPR2014-00607<br>(merged with 2014-00691) | 7,870,249  | 1, 2, 6-8, 11-13  | Terminated on Bosch's Motion to Terminate for Petitioner's Failure to Name all Real Parties in Interest on March 16, 2015. Request for Rehearing denied May 22, 2015. Medtronic filed Notice of Appeal on July 23, 2015. Federal Circuit granted Bosch's motion to dismiss appeal on Nov. 17, 2015. Medtronic filed petition for <i>en banc</i> rehearing on Dec. 17, 2015.                                          |
| IPR2014-00691                             | 7,870,249  | 3-5, 9, 10, 14-29 | Terminated on Bosch's Motion to Terminate for Petitioner's Failure to Name all Real Parties in Interest on March 16, 2015. Request for Rehearing denied May 22, 2015. Medtronic filed Notice of Appeal on July 23, 2015. Federal Circuit granted Bosch's motion to dismiss appeal on Nov. 17, 2015.                                                                                                                  |

| IPR / Reexam Case No. | Patent No. | Claims Challenged   | Status                                                                                                                                                                                                                                                                                  |
|-----------------------|------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       |            |                     | Medtronic filed petition for <i>en banc</i> rehearing on Dec. 17, 2015.                                                                                                                                                                                                                 |
| 90/013,262            | 7,870,249  | 14-18, 20-21, 23-26 | Reexamination certificate confirming claims 14-18, 20-21 and cancelling claims 23-26, issued May 22, 2015.                                                                                                                                                                              |
| 90/013,493            | 7,870,249  | 1, 2, 6-8, 10-13    | Reexamination ordered for claims 1, 2, 6-8, and 10-13 on June 3, 2015. First office action issued on Aug. 20, 2015, rejecting challenged claims. Bosch filed response and terminal disclaimer on Oct. 20, 2015. Terminal disclaimer approved on Oct. 21, 2015. Pending Examiner action. |
| 90/013,647            | 7,870,249  | 1-13                | Reexamination request filed on Dec. 4, 2015, pending decision by Office.                                                                                                                                                                                                                |
| 90/013,638            | 7,870,249  | 1-2, 6-8, 11-13     | Reexamination request filed on Nov. 23, 2015. Request denied on Dec. 17, 2015.                                                                                                                                                                                                          |

In light of the Final Decisions issued by the Board and Bosch's pending appeal of those Decisions the parties do not believe the Case Management Conference, scheduled for January 14, 2016, will be necessary at this time and Bosch will not seek to lift the stay in place in this litigation until the conclusion of Bosch's pending Federal Circuit IPR appeals. Therefore, the parties respectfully request that the Court take the Case Management Conference off the calendar and allow the parties to file another supplemental status report with the Court within the earlier of a) six months or b) fourteen (14) days following the decision by the Federal Circuit on Bosch's pending appeals.

1 Dated: January 7, 2016

Respectfully submitted,

2 By: /s/ Bas de Blank

3 Bas de Blank, Bar No. 191487  
4 [bdeblank@orrick.com](mailto:bdeblank@orrick.com)  
5 ORRICK, HERRINGTON & SUTCLIFFE LLP  
6 1000 Marsh Road  
7 Menlo Park, California 94025  
8 Telephone: (650) 614-7400  
9 Facsimile: (650) 614-7401

10 Attorneys for Plaintiff  
11 ROBERT BOSCH HEALTHCARE SYSTEMS, INC.

12 Dated: January 7, 2016

13 By: /s/ William D. Schultz w/ permission Bas de Blank

14 William D. Schultz  
15 [w Schultz@merchantgould.com](mailto:w Schultz@merchantgould.com)  
16 MERCHANT & GOULD P.C.  
17 3200 ids Center  
18 80 S. Eighth Street  
19 Minneapolis, MN 55402-2215  
20 Telephone: (612) 336-4637  
21 Facsimile: (612) 332-9081

22 Attorneys for Defendant  
23 CARDIOCOM, LLC

24 **CASE MANAGEMENT ORDER**

25 The above JOINT SUPPLEMENTAL CASE MANAGEMENT STATEMENT AND  
26 [PROPOSED] ORDER is approved as the Case Management Order for this case and all parties  
27 shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

28 **IT IS SO ORDERED.** The 1/14/16 CMC is reset for 7/7/16 at 9:30 a.m. An updated joint  
CMC statement shall be filed by 6/30/16.

Dated: 1/8/2016

JUDGE EDWARD M. CHEN  
UNITED STATES DISTRICT COURT

