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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT AND TRIAL APPEAL BOARD

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SAP AMERICA, INC. ET AL,

Petitioner,

-against-

Patent of VERSATA DEVELOPMENT GROUP, INC.,

Patent Owner.

Case CBM2012-00001 (MPT)

Patent 6,553,350
-----x

March 14, 2013

11:00 a.m.

T E L E C O N F E R E N C E
H E A R I N G

B E F O R E:

MICHAEL TIERNEY,
Administrative Patent Judge

SALLY MEDLEY,
Administrative Patent Judge

* * *

VERSATA EXHIBIT 2098
SAP v. VERSATA
CASE CBM2012-00001



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PROCEEDINGS

1
2 HON. TIERNEY: You could begin
3 today, Petitioner.

4 MS. ARNER: Yes, sir. Thank
5 you. I wanted to confirm with the
6 Board the number of pages for
7 Petitioner's reply to Patent Owner's
8 response that was filed on Monday in
9 the call that we had to discuss the
10 possibility of expediting the 101
11 issue. During that discussion,
12 Versata expressed concern over
13 expediting that issue and in
14 particular talked about potentially
15 arguing alternative claim construction
16 and those kinds of things. During
17 that discussion, the Board said, well,
18 you know, you will have 80 pages. You
19 could argue all through the claim
20 construction and fully brief the 101
21 issue if we were to expedite, and then
22 the Board asked Petitioner to think
23 about a proposed schedule that would
24 allow time for cross-examination and
25 all the other things required by the

PROCEEDINGS

1
2 rules and expedite the consideration
3 of Section 101. Petitioner's paper
4 with that request, it was paper number
5 41, we put in a proposed schedule and
6 we proposed 40 pages for Petitioner's
7 response. In view of the potential of
8 needing to respond to alternative
9 claims construction, then an 80-page
10 brief on single issue. In case of 45,
11 the Board entered the expedited
12 schedule with some dates, but it
13 wasn't clear whether you meant to
14 adopt our proposed 40 pages, and so we
15 wanted to clarify whether that request
16 was excessive or not, and that was the
17 purpose for reaching out to Versata
18 and then to the Board.

19 HON. TIERNEY: All right. The
20 order, I think there was no mention of
21 expanding the page limit. It was not
22 adopted in the order. I am willing to
23 entertain now a request for additional
24 pages. Therefore, I would like to --
25 what I would like to focus on is your

1 PROCEEDINGS

2 request for additional pages. Is that
3 correct?

4 MS. ARNER: Yes, it is, Your
5 Honor.

6 HON. TIERNEY: Can you explain
7 why you have a need to go beyond what
8 is provided for in the rules?

9 MS. ARNER: Sure. As we read
10 the rules, the reply would be -- the
11 standard number of pages would be 15
12 pages.

13 HON. TIERNEY: That's correct.

14 MS. ARNER: And we think
15 additional pages would be justified
16 under Rule 42.24 to waive the page
17 limit in the interest of justice, and
18 we think the interest of justice would
19 be served because SAP needs a chance
20 to fully respond to Versata's filing,
21 and they filed a brief over 70 pages
22 including the issue of 101,
23 alternative claim construction, and
24 several other issues regarding, for
25 example, the correct standard of claim

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