

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SAP AMERICA, INC. ET AL.

Petitioner

v.

Patent of VERSATA DEVELOPMENT GROUP, INC.

Patent Owner

---

Case CBM2012-00001

Patent 6,553,350

---

**JOINT SUBMISSION AUTHORIZED BY  
ORDER – CONDUCT OF PROCEEDING -- 37 C.F.R. § 42.5**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**I. Introduction**

In accordance with the Order – Conduct of Proceedings – 37 C.F.R. § 42.5, dated November 1, 2012 (Paper 16) (“Order”), Petitioner, SAP America, Inc, *et al.* (“SAP”), and Patent Owner, Versata Development Group, Inc. (“Versata”), jointly identify for the Board the status of resolution of the issues the parties agreed to discuss, as set forth in Section III of the Order.

**II. Issue 1- Versata’s Request for Additional Discovery From The Related Litigation**

The parties engaged in several telephone discussions and exchanged correspondence, including a list of documents for which Versata seeks access and SAP’s position regarding such access. While the parties have identified some areas of agreement, they have not been able to resolve their disputes on all aspects of Versata’s request.

Accordingly, Versata requests authorization to file a motion for additional discovery pursuant to 37 C.F.R. § 42.224.

**III. Issue 2 - Time For Filing Patent Owner Preliminary Statement**

The parties have not agreed to extend the time for filing the Patent Owner Preliminary Response beyond the current due date of November 23, 2012.

Versata requests a telephone conference to explain the reasons why it believes extending the time for filing the Patent Owner Preliminary Response is appropriate.

**IV. Issue 3 – Protective Order**

The parties have exchanged drafts of a protective order in an effort to agree upon terms. While no agreement has yet been reached, the parties anticipate and are hopeful that an agreement on terms can be reached with a limited additional amount of time to consider and finalize the proposed terms.

**IV. Issue 4 – Versata’s Use Of Experts From The Related Litigation In This Proceeding**

SAP has maintained its objection to Versata’s use in the proceeding of Versata’s experts from the related litigation.

Respectfully submitted,

Dated: November 9, 2012

By: /s/Martin M. Zoltick  
Nancy J. Linck, Lead Counsel  
Martin M. Zoltick, Back-up Counsel  
**ROTHWELL, FIGG, ERNST  
& MANBECK, P.C.**  
607 14<sup>th</sup> Street, N.W., Suite 800  
Washington, DC 20005  
Phone: 202-783-6040  
Facsimile: 202-783-6031

*Attorneys for Patent Owner Versata Development  
Group, Inc.*

Dated: November 9, 2012

By: /Erika Arner/  
Erika H. Arner, Lead Counsel  
Joseph E. Palys  
Michael V. Young, Sr.  
**FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.**  
11955 Freedom Drive  
Reston, VA 20190  
Phone: 571-203-2700  
Facsimile: 202-408-4400

J. Steven Baughman, Back-up Counsel  
**ROPES & GRAY LLP**  
Prudential Tower  
800 Boylston Street  
Boston, Massachusetts 02199  
Phone: 202-508-4606  
Facsimile: 617- 235-9492

*Attorneys for Petitioners SAP America, Inc. and  
SAP AG*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of November, 2012, a true and correct copy of the foregoing JOINT SUBMISSION AUTHORIZED BY ORDER - CONDUCT OF PROCEEDING - 37 C.F.R. § 42.5, was served, in accordance with the parties electronic service agreement, by electronic mail upon the following lead and backup counsel of record for Petitioners SAP America, Inc. and SAP AG:

Erika H. Arner, Lead Counsel  
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.  
11955 Freedom Dr.  
Reston, VA 20190-5675  
Service E-mail: [SAP-PGR@finnegan.com](mailto:SAP-PGR@finnegan.com)

J. Steven Baughman, Back-up Counsel  
Ropes & Gray  
One Metro Center  
700 12<sup>th</sup> St., N.W., Suite 900  
Washington, DC 20005-3948  
Service E-mail: [Steven.Baughman@ropesgray.com](mailto:Steven.Baughman@ropesgray.com)

*/s/ Erik van Leeuwen*

\_\_\_\_\_  
Erik van Leeuwen  
Litigation Operations Coordinator  
Rothwell, Figg, Ernst & Manbeck, P.C.