

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CALLIDUS SOFTWARE INC.,
Petitioner,

v.

VERSATA SOFTWARE, INC. and
VERSATA DEVELOPMENT GROUP, INC.,
Patent Owner.

Cases CBM2013-00052 (Patent 7,904,326 B2)
CBM2013-00053 (Patent 7,958,024 B2)
CBM2013-00054 (Patent 7,908,304 B2)¹

Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and
KEVIN F. TURNER, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

ORDER
Trial Hearing
35 U.S.C. § 326(a)(10)

¹ This order addresses an issue that is identical in all three cases. Therefore, we exercise discretion to issue one order to be filed in each of the three cases. The parties, however, are not authorized to use this style heading.

CBM2013-00052 (Patent 7,904,326 B2)
CBM2013-00053 (Patent 7,958,024 B2)
CBM2013-00054 (Patent 7,908,304 B2)

Both parties request a hearing in each of the three cases pursuant to 37 C.F.R. § 42.70. The requests are *granted*.

Each party will have thirty (30) minutes total time per case to present arguments.² Petitioner will proceed first to present its case with respect to the challenged claims and grounds for which the Board instituted trial in CBM2013-00052. Petitioner may reserve some of its argument time for rebuttal. Thereafter, Patent Owner will respond to Petitioner's presentation. The same process will be repeated for CBM2013-00053 and then CBM2013-00054.

The hearing for these cases will commence at 1:00 PM Eastern Time, on October 29, 2014, and it will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first-come first-served basis. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days prior to the hearing. They shall be filed at the Board two business days prior to the hearing, and the parties must initiate a conference call with the Board by two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. Any dispute over the propriety of demonstrative exhibits that is not timely

² The parties are granted an additional 10 minutes each in connection with CBM2013-00052 for a total of 40 minutes each to present arguments. The panel will hear arguments regarding the 35 U.S.C. § 325(a)(1) issue raised in all three cases in connection with the presentation for the CBM2013-00052 case only.

CBM2013-00052 (Patent 7,904,326 B2)
CBM2013-00053 (Patent 7,958,024 B2)
CBM2013-00054 (Patent 7,908,304 B2)

presented two business days prior to the hearing will be considered waived.

The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (October 23, 2013), regarding the appropriate content of demonstrative exhibits.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that one panel member will be attending the hearings electronically from a remote location and that if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at (571) 272-9797.

The Board expects lead counsel for each party to be present at hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at hearing, the Board should be notified via a joint telephone conference call no later than two days prior to the hearing to discuss the matter.

CBM2013-00052 (Patent 7,904,326 B2)
CBM2013-00053 (Patent 7,958,024 B2)
CBM2013-00054 (Patent 7,908,304 B2)

For PETITIONER:

Deborah Fishman
fishmand@dicksteinshapiro.com

Jeffrey Miller
millerj@dicksteinshapiro.com

Michael Tonkinson
tonkinsonm@dicksteinshapiro.com

For PATENT OWNER:

Kent Chambers
kchambers@tcchlaw.com

David O'Brien
david.obrien.ipr@haynesboone.com

John Russell Emerson
russell.emerson.ipr@haynesboone.com

Raghav Bajaj
raghav.bajaj.ipr@haynesboone.com