

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 CBM2014-00117 (Patent 7,908,304 B2)
CBM2014-00118 (Patent 7,958,024 B2)¹

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

MEDLEY, *Administrative Patent Judge*.

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

¹ This order addresses an issue that is identical in both cases. Therefore, we exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers since doing so may cause confusion.

Case CBM2014-00117 (Patent 7,908,304 B2)
Case CBM2014-00118 (Patent 7,958,024 B2)

On October 16, 2014, the initial conference call² was held involving counsel for the respective parties and Judges Blankenship, Medley and Turner.

Motions

Patent Owner does not seek authorization to file a motion at this time. If Patent Owner determines that it will file a motion to amend, Patent Owner must arrange a conference call, to occur no later than November 19, 2014, with the Board and opposing counsel to discuss the proposed motion to amend. *See* 37 C.F.R. § 42.221(a).

Petitioner seeks authorization to modify DUE DATES 2 and 3. In particular, Petitioner proposes moving DUE DATE 2 prior to the current January 21, 2015 date and eliminating DUE DATE 3, provided that Patent Owner does not file a motion to amend. As discussed during the call, Petitioner may file its reply prior to the January 21, 2015 deadline without modification to the existing schedule. Patent Owner represented that it had not determined whether it will file a motion to amend, and, therefore, it is premature at this juncture to eliminate DUE DATE 3. Petitioner also seeks authorization to expedite DUE DATES 4-7. We indicated that modifying the remaining times is also premature at this juncture. Petitioner may renew its request to modify/expedite remaining times after the filing of Petitioner's Reply (and possible opposition to any motion to amend).

² The initial conference call is held to discuss the Scheduling Order and any motions that the parties anticipate filing during the trial. Office Patent Trial

Case CBM2014-00117 (Patent 7,908,304 B2)
Case CBM2014-00118 (Patent 7,958,024 B2)

Order

It is

ORDERED that no additional motions³ are authorized at this time.

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Practice Guide, 77 Fed. Reg. 48756, 48765 (Aug. 14, 2012).

³ Additional motions are those motions not authorized per an earlier order or rule.