

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

VERSATA SOFTWARE, INC.,
Patent Owner.

Cases: CBM2016-00100 (Patent 8,805,825 B1)
CBM2016-00101 (Patent 7,739,080 B1)¹

Before SALLY C. MEDLEY, KEVIN F. TURNER, and JAMES B. ARPIN,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

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

¹ This decision addresses similar issues in each case. The parties are not authorized to use this heading style without authorization from the Board.

CBM2016-00100 (Patent 8,805,825 B1)

CBM2016-00101 (Patent 7,739,080 B1)

A conference call in the above proceedings was held on January 11, 2017, along with respective counsel for Petitioner and Patent Owner, and Judges Medley, Turner, and Arpin.² Petitioner requested the call to seek authorization to file a reply in each of the above proceedings to Patent Owner's Preliminary Responses addressing (1) the impact of *Unwired Planet, LLC v. Google Inc.*, No. 2015-1812, -- F.3d --, 2016 WL 6832978 (Fed. Cir. Nov. 21, 2016), decided after Petitioner filed its Petition in the above proceedings and cited by Patent Owner in its Preliminary Responses, and (2) whether certain claims of the challenged patents that were statutorily disclaimed by Patent Owner should be considered in determining whether the challenged patents are eligible for covered business method patent reviews. After hearing from the parties, we determined that Petitioner has demonstrated good cause for filing a reply in each proceeding and that limited additional briefing from both parties would be helpful to the panel. *See* 37 C.F.R. §§ 42.20(d), 42.108(c). The parties are not authorized to file any new evidence in support of their respective submissions.

Accordingly, it is:

ORDERED that Petitioner is authorized to file a reply in each of the above-captioned proceedings to Patent Owner's Preliminary Response, limited to three pages and to the issues identified above, by January 18, 2017; and

² A court reporter, retained by Patent Owner, was present on the call. Patent Owner shall file a transcript of the call as an Exhibit, once the transcript is available.

CBM2016-00100 (Patent 8,805,825 B1)

CBM2016-00101 (Patent 7,739,080 B1)

FURTHER ORDERED that Patent Owner is authorized to file a sur-reply in each of the above-captioned proceedings, limited to three pages, by January 25, 2017.

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CBM2016-00101 (Patent 7,739,080 B1)

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