

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

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4 FORD MOTOR COMPANY
Petitioner

5 v.

6 VERSATA SOFTWARE, INC.
Patent Owner

7 CASE CBM2016-00100 - Patent 8,805,825

8 - and -

9 FORD MOTOR COMPANY
Petitioner

10 v.

11 VERSATA DEVELOPMENT GROUP, INC.
Patent Owner

12 CASE CBM2016-00101 - Patent 7,739,080

13 - - -

14 Wednesday, January 11, 2017
12:00 noon

15 - - -

16 TELECONFERENCE IN THE ABOVE MATTER

17 - - -

18 BEFORE: SALLY MEDLEY
19 JAMES B. ARPIN
20 KEVIN F. TURNER
Administrative Patent Judges

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23

24 VERITEXT NATIONAL COURT REPORTING COMPANY
MID-ATLANTIC REGION
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1 JUDGE MEDLEY: Good afternoon. This
2 is Judge Medley along with Judges Turner and Arpin.
3 This is a call regarding Proceeding CBM2016-00100
4 and -00101.

5 I'd like to begin with a roll call.
6 For Petitioner?

7 MR. SMITH: Good afternoon, Judge.
8 This is Christopher Smith and Thomas Lewry on behalf
9 of Ford Motor Company.

10 MR. STERNE: Good afternoon, Judge
11 Medley. This is Robert Sterne on behalf of Patent
12 Owner, Versata; and on the call we have my
13 colleague, Michele Holoubek, Sharoon Saleem, and Sal
14 Bezos.

15 I will say we also have a court
16 reporter, Your Honor, who will be providing a
17 transcript of the call for the record if you so
18 request.

19 And my final point is that I request
20 that Michelle Holoubek speak on behalf of Patent
21 Owner for the call today.

22 JUDGE MEDLEY: Okay. Thank you very
23 much.

24 So, Patent Owner, did you request the
25 court reporter?

1 MR. STERNE: Yes, Patent Owner
2 requested the court reporter, Your Honor, and we're
3 taking care of that for the Board.

4 JUDGE MEDLEY: Okay. So as soon as
5 possible, if you could file that as an exhibit, that
6 would be great.

7 All right. We understand that
8 Petitioner requests authorization to file a reply to
9 address certain arguments made by the Patent Owner
10 in its preliminary response.

11 Petitioner, you may proceed to
12 explain your position.

13 MR. SMITH: Thank you, Your Honor.
14 So Christopher Smith on behalf of Ford Motor
15 Company.

16 So we request this opportunity to
17 brief the specific issues raised in the Patent
18 Owner's preliminary response specifically to the
19 financial nature of the patents-in-suit or the
20 patents at issue in the CBMs, and we think there is
21 good cause basically for two reasons with respect to
22 both CBMs and an additional reason for the other
23 one.

24 With respect to the CBM2016-00100 and
25 00101, we would like the opportunity to respond to

1 Petitioner's preliminary response on the Unwired
2 Planet Federal Circuit decision which issued kind of
3 in the pendency between the filing of the original
4 petition and then the preliminary response.

5 We believe that the standard at some
6 level has changed, at least the standard as it was
7 argued in several PTAB decisions prior to the
8 Unwired Planet decision, so we would like the
9 opportunity to address the arguments raised in view
10 of Unwired Planet and deal with some level of change
11 in law that would suffice as good cause to have a
12 preliminary reply brief.

13 With respect to the CBM2016-00100
14 petition specifically, also during the pendency
15 between the petition and the preliminary response
16 the Patent Owner disclaimed certain dependent claims
17 which actually expressly claimed that the
18 independent claims that are also at issue in the
19 CBMs are used for financial products and so we would
20 like to address that argument.

21 In the preliminary response the
22 Patent Owner cites laws that basically says you just
23 ignore it and you don't look at it, it's like it
24 never existed, which we don't necessarily disagree
25 with that statement.

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