

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.

VERSATA SOFTWARE, INC.

Patent Owner

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

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14 Monday, May 1, 2017

4:03 p.m.

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17 TELECONFERENCE IN THE ABOVE MATTER

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BEFORE: SALLY MEDLEY

JAMES B. ARPIN

Administrative Patent Judges.

22 Veritext Legal Solutions

Mid-Atlantic Region

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Also Present: Cathy Nikkila

1 JUDGE MEDLEY: Okay, so Patent Owner, could you
2 please file a copy of the transcript as an exhibit as
3 soon as possible?

4 MS. HOLOUBEK: Yes, Your Honor.

5 JUDGE MEDLEY: We understand the Patent Owner
6 requests us to expunge Petitioner's rehearing request as
7 untimely, and if we do not, Patent Owner requests
8 authorization to file an opposition to their --
9 Petitioner's rehearing request. I'd like to begin by
10 hearing from Petitioner as to why your rehearing request
11 was filed a day late.

12 MR. SMITH: Yes, Your Honor. This is
13 Christopher Smith on behalf of the Petitioner.

14 It's Ford's position that it wasn't filed late.
15 There was an issue with the -- attaching the document,
16 and we could -- we'd actually be willing to provide a
17 declaration that sets forth all the facts, but
18 effectively, we went through the procedure and submitted
19 the filing, we actually got a receipt indicating that it
20 had been filed on April 19th at 3:18 p.m. Eastern
21 standard time, and at that point we thought we were
22 filed.

23 JUDGE MEDLEY: So you didn't check -- you didn't
24 independently check the P -- Patent End To End system to
25 make sure that it had been uploaded?

1 MR. SMITH: It was listed on the docket report
2 but -- would it be okay if Cathy Nikkila could speak?
3 She was the secretary that actually filed the document
4 and she has information that might be helpful to the
5 Court.

6 JUDGE MEDLEY: That's fine, I don't need to hear
7 from her. I'd rather hear from counsel for Petitioner.
8 I just wanted to know if you all had independently gone
9 into Patent End to End to verify that, yes, it had been
10 uploaded. I'm not saying you had to, I'm just wondering
11 what other steps you had taken besides just receiving the
12 receipt.

13 MR. SMITH: We did not independently check that
14 based on the fact that we had received a receipt,
15 therefore we thought it was filed.

16 JUDGE MEDLEY: Okay, good enough. And then I
17 believe we contacted you the following day to say it
18 looked like you had attempted but we don't see anything,
19 and then you went ahead and uploaded again; correct?

20 MR. SMITH: That is correct, Your Honor.
21 Immediately after we had received your phone message,
22 we actually followed up with the PTAB to verify what they
23 wanted us to do and we were instructed to try refiling.
24 Apparently the issue had come down to -- with the PTAB
25 website, effectively a window -- after the filing issue

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