

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SERVICENOW, INC.,
Petitioner,

v.

HEWLETT-PACKARD COMPANY,
Patent Owner.

Case IPR2015-00523
Patent 6,321,229 B1

Before JUSTIN BUSCH, JAMES B. ARPIN, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

INITIAL CONFERENCE SUMMARY
Conduct of the Proceeding
37 C.F.R. § 42.5

On August 18, 2015, Judges Busch, Arpin, and Parvis held an initial conference with counsel for the parties. The following subjects were discussed during the conference.

Scheduling Order

Neither party raised an objection to the Scheduling Order. We reminded the parties that, if the parties stipulate to any changes in Due Dates

1 through 5 of the Scheduling Order, the stipulated dates cannot be later than Due Date 6, and the parties promptly must file any joint stipulation indicating such changes.¹

Motions

Prior to the conference call, Patent Owner submitted a paper indicating that at this time Patent Owner does not request authorization to file any motions other than the motions provided in the Scheduling Order and by the Rules. Paper 16. During the call, Patent Owner confirmed that, at this time, it does not contemplate filing a motion to amend. We reminded Patent Owner that, if Patent Owner should decide to file a motion to amend, Patent Owner must request a conference with us, preferably at least two weeks prior to the filing due date.

Petitioner submitted a proposed motions list (Paper 18) requesting authorization to file one motion. Specifically, Petitioner requests authorization to file a motion to submit supplemental information, under 37 C.F.R. § 42.123(a), responsive to Patent Owner's objections regarding two prior art references on which we instituted review, i.e., DAVID FOX & TROY DOWNING, WEB PUBLISHER'S CONSTRUCTION KIT WITH HTML 3.2 (1996) ("Fox") (Ex. 1004) and BEN FORTA ET AL., THE COLD FUSION WEB DATABASE CONSTRUCTION KIT (1997) ("Forta") (Ex. 1005). The information that Petitioner would like to submit includes date-stamped copies of excerpts of Fox and Forta as received by the Library of Congress, an affidavit, customer reviews, and copyright records. Patent Owner does

¹ During the call, counsel for each party confirmed that neither party objects to the scheduling of the oral hearings for IPR2015-00523 and IPR2015-00631 on the same date.

IPR2015-00523
Patent 6,321,229 B1

not oppose Petitioner's request. Petitioner indicated that today it will serve Patent Owner with this information as supplemental evidence pursuant to 37 C.F.R. § 42.64(b)(2).

Petitioner's request is within one month of the date trial was instituted. *See* 37 C.F.R. § 42.123(a)(1). Accordingly, during the call, we authorized Petitioner to file a motion to submit its supplemental information responsive to Patent Owner's objections regarding Fox and Forta, under 37 C.F.R. § 42.123(a). We authorized five (5) pages for Petitioner's motion and set a due date of Friday, August 21, 2015. Petitioner should include as one or more exhibits the supplemental information that is the subject of the motion. Because Patent Owner does not oppose Petitioner's request, we do not authorize an opposition or reply.

Accordingly, it is:

ORDERED that Petitioner is authorized to file a motion to submit supplemental information under 37 C.F.R. § 42.123(a), on or before Friday, August 21, 2015, that not to exceed five (5) pages in length; and

FURTHER ORDERED that no additional motions are authorized at this time.

IPR2015-00523
Patent 6,321,229 B1

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