

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD+

VIPTELA, INC.,
Petitioner,

v.

FATPIPE NETWORKS PRIVATE LIMITED,
Patent Owner.

Case IPR2017-00684
Patent 6,775,235 B2

Before STACEY G. WHITE, MICHELLE N. WORMMEESTER, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

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

A conference call in this proceeding was held on May 22, 2018 between counsel for the parties and Judges White, Wormmeester, and Zado. This call was held to discuss the possible need for additional briefing and a supplemental oral hearing in light of the May 9, 2018 Order in this proceeding modifying our institution decision to include review of all challenged claims and all grounds presented in the Petition. Paper 26.

As instructed in the May 9, 2018 Order, the parties conferred regarding the need for additional briefing related to the newly added challenges, but did not reach agreement. In particular, Petitioner is willing to terminate this proceeding as to the newly added challenges, but Patent Owner is not. Rather, Patent Owner would like a final determination with regard to the newly added challenges. In addition, Patent Owner seeks 5,000 words of further briefing to address the newly added challenges. Petitioner argues that, should we permit additional briefing from Patent Owner, Petitioner should be allowed 5,600 words of further briefing. Petitioner also requests an oral hearing in the event that we permit additional briefing. The parties also request an extension of the twelve-month statutory deadline for issuing a final determination in this proceeding.

After considering the parties' arguments, we find good cause to permit additional briefing. *See* 37 C.F.R. § 42.5. We, therefore, authorize additional briefing to address the newly added challenges in this proceeding.

Patent Owner is authorized to file a Supplemental Response of no more than 5,000 words, no later than June 27, 2018. Petitioner is authorized to file a Supplemental Reply to Patent Owner's Supplemental Response of no more than 5,000 words, no later than July 23, 2018. The date for oral hearing, should the parties request one, is August 2, 2018. The due date to

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request oral hearing is July 24, 2018. The parties' request for an extension of the twelve-month statutory deadline has been granted in a separate paper. Paper 28.

Accordingly, it is:

ORDERED that Patent Owner is authorized to file a Supplemental Response of no more than 5,000 words, no later than June 27, 2018, addressing only the newly added challenges; and

FURTHER ORDERED that Petitioner is authorized to file a Supplemental Reply to Patent Owner's Supplemental Response, subject to 37 C.F.R. § 42.23(b), of no more than 5,000 words, no later than July 23, 2018; and

FURTHER ORDERED that the date for an oral hearing, should the parties request it, is August 2, 2018.

PETITIONER:

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