

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VIPTELA, INC.,  
Petitioner,

v.

FATPIPE NETWORKS PRIVATE LIMITED,  
Patent Owner.

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Case IPR2017-00684  
Patent 6,775,235 B2

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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

FatPipe Networks Private Limited<sup>1</sup> (“Patent Owner”) requests to extend the due date set forth in the Scheduling Order in this proceeding for Patent Owner’s Response to the Petition from October 6, 2017 to October 20, 2017. *See* Paper 10, 5 (“Scheduling Order”). Viptela, Inc. (“Petitioner”) opposes Patent Owner’s request. However, Petitioner requests that if we grant Patent Owner an extension, that we extend the due date for Petitioner to file a Reply to Patent Owner’s Response.

On October 2, 2017, Judges Wormmeester and Zado, counsel for Patent Owner, and counsel for Petitioner, participated in a conference call regarding Patent Owner’s request. Patent Owner alleged the purpose of the request is to facilitate settlement discussions. Petitioner disagreed that the discussions would lead to settlement of the parties’ dispute.

Pursuant to 37 C.F.R. § 42.5(c), “[t]he Board may set times by order.” The Scheduling Order in this proceeding provides that DUE DATE 1 is the due date for Patent Owner’s Response to the Petition and Patent Owner’s Motion to Amend the patent. Paper 10, 5. DUE DATE 2 is the due date for Petitioner’s Reply to Patent Owner’s Response to the Petition and Petitioner’s Opposition to Patent Owner’s Motion to Amend. *Id.* Petitioner acknowledged, during the conference call, that it will not suffer any harm or prejudice if we extend DUE DATE 1 by two weeks so long as we also extend DUE DATE 2 by two weeks, thus providing Petitioner with the same

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<sup>1</sup> In the Preliminary Response, Patent Owner refers to itself as “FatPipe Networks Private Limited.” Paper 6, 1. However, in a mandatory notice filed pursuant to 37 C.F.R. § 42.8(a)(2), Patent Owner refers to itself as “FatPipe Networks India Limited,” and states that “FatPipe Networks India Limited” and “FatPipe, Inc.” are the real parties in interest in this proceeding. Paper 5, 1.

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amount of time to respond to Patent Owner's Response and Motion to Amend as it has under the current Scheduling Order. Patent Owner does not oppose extending DUE DATE 2 by two weeks if we extend DUE DATE 1 by two weeks. The parties have not requested modifying any other due dates in this proceeding.

We hereby grant Patent Owner's request to modify DUE DATE 1 in the Scheduling Order from October 6, 2017 to October 20, 2017, and we grant Petitioner's contingent request to modify DUE DATE 2 from December 29, 2017 to January 12, 2018.

We do not modify any other DUE DATES in the Scheduling Order. We note that the Scheduling Order provides that "[t]he parties may stipulate to dates for DUE DATES 1 through 5 (earlier or later, but no later than DUE DATE 6)." Paper 10, 2.

Accordingly, it is:

ORDERED that DUE DATE 1 in the Scheduling Order (Paper 10) is modified from October 6, 2017 to October 20, 2017; and

DUE DATE 2 in the Scheduling Order (Paper 10) is modified from December 29, 2017 to January 12, 2018.

FURTHER ORDERED that no other DUE DATE in the Scheduling Order is modified.

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PETITIONER:

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