

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2017-02154 (Patent 6,154,844)
Case IPR2017-02155 (Patent 8,677,494 B2)

Before ZHENYU YANG, CHARLES J. BOUDREAU, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

BOUDREAU, *Administrative Patent Judge*.

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

A conference call was held in the above-referenced proceedings on February 6, 2018, between counsel for the parties and Judges Boudreau, Yang, and McShane, to discuss a request by Petitioner for authorization to file a motion for leave to file replies to Patent Owner's Preliminary Responses (IPR2017-02154, Paper 6; IPR2017-02155, Paper 6). After

Case IPR2017-02154 (Patent 6,154,844)
Case IPR2017-02155 (Patent 8,677,494 B2)

hearing from the parties, the panel authorized Petitioner to file a five-page reply to Patent Owner's Preliminary Response in Case IPR2017-02155, limited to addressing Patent Owner's arguments regarding the application to that case of the Board's decision in *General Plastic Industrial Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357 (PTAB Sept. 6, 2017) (Paper 19), a portion of which was designated as precedential after the filing of the Petition but before the filing of the Preliminary Response. The panel also authorized Patent Owner to file a five-page sur-reply responsive to Petitioner's reply. The panel, however, denied Petitioner's request for authorization to file a reply to Patent Owner's Preliminary Response in Case IPR2017-02154.

Accordingly, it is

ORDERED that Petitioner is authorized to file a reply to Patent Owner's Preliminary Response (Paper 6) in Case IPR2017-02155, not to exceed five pages in length, by February 13, 2018, limited to addressing Patent Owner's arguments therein regarding the application of *General Plastic* to that case;

FURTHER ORDERED that Patent Owner is authorized to file a sur-reply, not to exceed five pages in length, by February 20, 2018, limited to responding to Petitioner's reply; and

FURTHER ORDERED that no reply to Patent Owner's Preliminary Response (Paper 6) in Case IPR2017-02154 is authorized.

Case IPR2017-02154 (Patent 6,154,844)
Case IPR2017-02155 (Patent 8,677,494 B2)

FOR PETITIONER:

Patrick D. McPherson
Patrick Muldoon
DUANE MORRIS LLP
PDMcPherson@duanemorris.com
PCMuldoon@duanemorris.com

FOR PATENT OWNER:

James Hannah
Jeffrey H. Price
Michael Lee
KRAMER LEVIN NAFTALIS & FRANKEL LLP
jhannah@kramerlevin.com
jprice@kramerlevin.com
mhlee@kramerlevin.com