UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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World Programming Limited

Petitioners

v.

SAS Institute Inc.

Patent Owner

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Case No. Unassigned
Patent 7,447,686

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PETITIONER'S EXPLANATION OF PARALLEL PETITIONS AND RANKING OF PETITIONS FOR U.S. PATENT NO. 7,447,686

Petitioners provide this Explanation of Parallel Petitions and Notice of Ranking of Petitions pursuant to the July 2019 Update of the Trial Practice Guide. U.S. Patent No. 7,447,686 (the "'686 patent") is subject to a pending lawsuit entitled SAS Institute Inc., v. World Programming Limited, et. al., Case No. 2-18-cv-00295 (E.D. Tex.) (the "Litigation") in which Petitioner World Programming Limited is a defendant. The '686 Patent has 50 claims. Ex. 1001, claims 1-50. In the Litigation, Patent Owner asserted all 50 claims of the '686 Patent. Given the number of claims being asserted, it is impossible for Petitioner to address all of the claims in just one petition. Petitioner therefore has concurrently filed two Petitions ("Petition 1" and "Petition 2") relating to the '686 Patent, which in combination address claims 1-40, 43-48, and 50. Thus, the present circumstance is consistent with the example in the July 2019 Update of the Trial Practice Guide, which states that "the Board recognizes that there may be circumstances in which more than one petition may be necessary, including, for example, when the patent owner has asserted a large number of claims in litigation."

Although Petitioner believes that its two petitions are both meritorious and justified in light of the number of claims being asserted by Patent Owner in the Litigation, Petitioner requests that the Board consider the petitions in the following order:

Rank	Petition	Grounds and References
1	Petition 1	Ground 1: InterViso and Selvaraj
2	Petition 2	Ground 1: InterViso and Selvaraj

Below are some of the material differences between the two petitions:[1]

1. **Petition 1**:
    a. Ground 1 – Claims Challenged: **1**-12 and 46-48
2. **Petition 2**:
    a. Ground 1 – Claims Challenged: 13-40, 43-45, and 50

As shown above, the grounds set forth in the concurrently filed petitions are not redundant and are materially different because the claims being challenged in each petition differ, with dependent claims being challenged in Petition 2 that are not challenged in Petition 1. A summary of the similarities and material differences between Petitions 1 and 2 are identified in the table below.

[1] Independent claims are bolded.

Grounds	Petition 1	Petition 2
Independent Claims Being Challenged: claim 1	✓	
Dependent Claims Being Challenged: claims 2-12 and 46-48	✓	
Dependent Claims Being Challenged: claims 13-40, 43-45, and 50		✓
Obviousness Combination and Motivation to Combine InterViso and Selvaraj	✓	✓

The Board should consider both petitions and not exercise its discretion to deny institution in either IPR given the number of claims being asserted by the Patent Owner in the Litigation. And as shown above, the two petitions are not redundant, and the differences between the two petitions are material given the different dependent claims being challenged.

Respectfully submitted,
BAKER BOTTS L.L.P.

Date: August 5, 2019

/s/Christopher V. Ryan/
Christopher V. Ryan (Reg. No. 54,759)
98 San Jacinto Blvd., Suite 1500
Austin, Texas 78701
Phone: (512) 322-2586
Facsimile: (512) 322-3686

LEAD COUNSEL FOR PETITIONER

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