

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GSI COMMERCE SOLUTIONS, INC.
Petitioner

v.

CLEAR WITH COMPUTERS, LLC
Patent Owner

Case CBM2013-00055
Patent 8,266,015

JENNIFER S. BISK, *Administrative Patent Judge.*

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

A conference call with the Board was held on July 2, 2014, between respective counsel for the parties and Judges Bisk, Wood, and Osinski. The subject of discussion was the request, agreed to in advance of the call, that each party be authorized to file a five page supplemental brief discussing the recent decision of the United States Supreme Court in *Alice Corp. v. CLS Bank International*, 2014 WL 2765283 (June 19, 2014).

Patent Owner filed its response in this case on June 10, 2014, prior to the Supreme Court's decision. Paper 22 ("PO Resp."). Much of that brief discusses the 35 U.S.C. § 101 ground of unpatentability at issue in this proceeding. *See* PO Resp. 10-38. Petitioner's reply to that brief, however, is not due for several months. The panel was persuaded that limited additional briefing from Patent Owner is appropriate and would not unduly delay the proceedings. The panel was not persuaded, however, that additional briefing from Petitioner on this issue is necessary.

Accordingly, it is

ORDERED that Clear with Computers, LLC is authorized to file a supplemental response solely directed to the impact of the *Alice* decision on the 35 U.S.C. § 101 ground of unpatentability at issue in this proceeding;

FURTHER ORDERED that the page limit for the supplemental response is ten pages and must be filed no later than July 10, 2014; and

FURTHER ORDERED that no other supplemental briefing is authorized at this time.

Case CBM2013-00055

Patent 8,266,015

PETITIONER:

Scott McKeown

CPDocketMcKeown@oblon.com

Greg Gardella

CPDocketGardella@oblon.com

PATENT OWNER:

Tarek Fahmi

tarek.fahmi@ascendalaw.com

Amy Embert

amy.embert@ascendalaw.com