

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC.,
Petitioner,

v.

VERSATA DEVELOPMENT GROUP, INC.,
Patent Owner.

Case CBM2013-00042
Patent 5,878,400

Before MICHAEL P. TIERNEY and TREVOR M. JEFFERSON,
Administrative Patent Judges.

Tierney, *Administrative Patent Judge.*

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

A conference call in the above proceeding was held on July 9, 2014, between respective counsel for Petitioner and Patent Owner, and Judges Tierney and Jefferson. The purpose of the call was to discuss Patent Owner's request to file additional briefing on the recent decision of the United States Supreme Court in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S.Ct. 2347 (June 19, 2014).

Counsel for Patent Owner requested five (5) additional pages of briefing to respond to Petitioner's Reply Brief so that Patent Owner may have an opportunity to address issues arising from the recent Supreme Court decision. Petitioner opposed Patent Owner's request contending that the additional briefing was unnecessary as it did not change any pre-existing law.

Based upon the facts of this proceeding, the Board authorizes Patent Owner to file a sur-reply to Petitioner's Reply Brief. The sur-reply is limited to five (5) pages and is limited to discussing the recent Supreme Court decision and its impact on this proceeding. The sur-reply is due no later than July 15, 2014.

Petitioner requested an opportunity to respond to the sur-reply. Petitioner's sur-sur-reply is limited to two (2) pages and limited to the scope of Petitioner's sur-reply. Petitioner's sur-sur-reply is due no later than July 25, 2014.

CBM2013-00042
Patent 5,878,400

For PETITIONER:

Erika Arner
erika.arners@finnegan.com

J. Steven Baughman
Steven.Baughman@ropesgray.com

For PATENT OWNER:

Nancy Linck
nlinck@rfem.com

Martin Zoltick
mzoltck@rfem.com