

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP America, Inc.
Petitioner

v.

Pi-Net International, Inc.
Patent Owner,

Case CBM2013-00013
Patent 8,037,158

Before, Karl D. Easthom, Joni Y, Chang, and
BRIAN J. McNAMARA, *Administrative Patent Judges.*

McNAMARA, *Administrative Patent Judge.*

**ORDER DENYING PETITIONER'S REQUEST FOR AUTHIZATION TO
FILE MOTION TO ACCELERATE THE TIME FOR PATENT OWNER
TO FILE A PATENT OWNER'S PRELIMINAY RESPONSE**

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

Counsel for SAP America, Inc. (Petitioner) requested a conference call with the panel to occur April 18, 2013 to discuss accelerating a decision on instituting a proceeding in each of the following matters: IPR2013-00194, IPR2013-00195, and CBM2013-00013 (the Subject Proceedings). Following several attempts to arrange an alternate time, the call occurred on April 25, 2013. Petitioner was represented by lead counsel Michael Lee, Patent Owner was represented by lead counsel Bryan Boyle. Other representatives of each party also were present on the call.

During the April 25, 2013 teleconference, Petitioner requested authorization to file a motion to accelerate by 30 to 45 days the time permitted under 37 C.F.R. § 42.107(b) for Pi-Net International, Inc. (Patent Owner) to file a Patent Owner's Preliminary Response in each of the Subject Proceedings. Petitioner argued that, in view of Patent Owner's currently pending 24 district court patent infringement suits against 27 defendants, Patent Owner is aware of the relevant issues and would not be prejudiced by accelerating the date for filing a Patent Owner's Preliminary Response, particularly when one considers that the three Subject Proceedings involve only 31 claims, 6 primary references, 3 secondary references, and admitted prior art.

Patent Owner countered that it would be prejudiced by accelerating the date because responding to the Petitioner's multiple petitions requires significant time,

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especially in view of a 245 page expert's declaration filed by Petitioner. Patent Owner also noted that the time required to oppose a motion to accelerate the time would distract from the effort required to prepare and file its Patent Owner's Preliminary Response in the Subject Proceedings.

Petitioner filed the petitions for IPR2013-00194 and IPR2013-00195 on March 18, 2013 and the petition for CBM2013-00013 on March 22, 2013. More than a month has elapsed since Petitioner filed the petitions for the Subject Proceedings. Under 37 C.F.R. § 42.107(b), a Patent Owner's Preliminary Response may be filed in IPR2013-000194 and IPR2013-000195 not later than June 20, 2013 (56 days from the date of the April 25 teleconference). A Patent Owner's Preliminary Response may be filed in CBM2013-00013 not later than June 27, 2013 (63 days from the April 25, 2013 teleconference). Accelerating the date for Patent Owner to file a Patent Owner's Preliminary Response by 45 days would move the current due dates to May 6, 2013 for IPR2013-00194 and 00195 (only 11 days from the date of the April 25, 2013 teleconference) and May 13, 2013 for CBM2013-00013 (only 18 days from the date of the teleconference). Accelerating the date for Patent Owner to file a Patent Owner's Preliminary Response by 30 days would move the current due dates to May 21, 2013 for IPR2013-00194 and 00195 (26 days from the date of the April 25, 2013 teleconference) and May 28, 2013 for CBM2013-00013 (33 days from the date of

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the teleconference). These time frames do not take into account the amount of time required to file and oppose a motion to accelerate.

Because a month has already elapsed since Petitioner filed its petitions and given the existence of multiple proceedings with due dates in close proximity of time, there is limited time remaining for Patent Owner to prepare and file a Preliminary Patent Owner's Response. Accelerating the due dates as requested by Petitioner could prejudice Patent Owner and would not significantly expedite the Subject Proceedings.

Therefore, it is **ORDERED** that Petitioner's request for authorization to file a motion to accelerate the time required for Patent Owner to file a Patent Owner's Preliminary Response is denied.

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