

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZSCALER, INC.,
Petitioner

v.

SEMANTEC CORPORATION,
Patent Owner

Case IPR2017-01342
Patent 8,661,498 B2

Before RAMA G. ELLURU, DANIEL N. FISHMAN, and
STACEY G. WHITE, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

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

On April 24, 2018, the Supreme Court held that a decision to institute under 35 U.S.C. § 314 may not institute on less than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at *10 (U.S. Apr. 24, 2018). In our Decision on Institution, we determined that Petitioner demonstrated a reasonable likelihood that it would establish that at least one of the challenged claims of the '498 patent is unpatentable. Paper 10, 2, 27. We modify our institution decision to institute on all of the challenged claims and all of the grounds presented in the Petition.

The parties shall confer to discuss the impact, if any, of this Order on the current schedule and to discuss the possibility of filing a Joint Motion to Limit the Petition by removing the previously non-instituted claims and/or grounds from this proceeding. If, after conferring, the parties wish to change the schedule, file a Joint Motion to Limit the Petition, or submit further briefing, the parties must, within one week of the date of this Order, request a conference call with the panel to seek authorization for such changes, motion, or briefing.

In consideration of the foregoing, it is hereby:

ORDERED that our institution decision is modified to include review of all challenged claims and all grounds presented in the Petition; and

FURTHER ORDERED that Petitioner and Patent Owner shall confer to determine whether they desire: any changes to the schedule, filing of a Joint Motion to Limit the Petition, or any further briefing, and, if so, shall request a conference call with the panel to seek authorization for such changes, motion, or briefing within one week of the date of this Order.

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