

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 - Revised Schedule
37 C.F.R. § 42.5

On May 23, 2018, the parties filed an authorized Joint Motion To Amend Schedule (Paper 19, “Mot.” Or “Motion) proposing revisions to our earlier Scheduling Order (Paper 11) that allow for additional briefing in view of our May 15, 2018, Order revising the original Decision on Institution to add all claims and grounds asserted in the Petition (Paper 18 “SAS Order”). Our SAS Order instituted claims 14, 15, 23–27, and 35–38 (the “newly instituted claims”) that had been denied institution in our original Decision on Institution. SAS Order 2. The parties propose the following schedule:

- DUE DATE 1 June 18, 2018
Patent owner’s [additional] response to the petition
- DUE DATE 2 July 31, 2018
Petitioner’s [additional] reply to patent owner’s
[additional] response to petition
- DUE DATE 4 August 27, 2018
Motion for observation regarding cross-examination of
reply witness
Motion to exclude evidence
Request for oral argument
- DUE DATE 5 September 4, 2018
Response to motion for observation re cross-examination
of reply witness
Opposition to motion to exclude
- DUE DATE 6 September 10, 2018
Reply to opposition to motion to exclude
- DUE DATE 7 September 13, 2018
Oral argument

See Mot. 1. Implicit in the proposed schedule change is the filing of an additional response by Patent Owner and an additional reply filing by Petitioner responsive to Patent Owner’s additional response. The parties further note that Patent Owner’s counsel will be unavailable for Oral Argument from September 14, 2018 through September 21, 2018. Mot. 1, n.1.

Regarding the implied request for additional briefing, we authorize Patent Owner to file a Supplemental Response, limited to addressing the newly instituted claims, limited to fifteen (15) pages, and filed no later than REVISED DUE DATE 1 below. We further authorize Petitioner to file a Supplemental Reply limited to responding to Patent Owner's Supplemental Response, limited to fifteen (15) pages, and filed no later than REVISED DUE DATE 2 below. Petitioner is cautioned that no new evidence may be introduced into the record.

The Board cannot accommodate the proposed date of September 13, 2018 for Oral Argument. Thus, the schedule is hereby modified as follows:

REVISED DUE DATE 1 June 18, 2018

REVISED DUE DATE 2 July 31, 2018

(no motion to amend has been requested)

REVISED DUE DATE 3 not applicable

(no motion to amend has been requested)

REVISED DUE DATE 4 August 20, 2018

REVISED DUE DATE 5 August 28, 2018

REVISED DUE DATE 6 September 3, 2018

REVISED DUE DATE 7 September 6, 2018

Accordingly, it is:

ORDERED that our Scheduling Order is modified such that:

REVISED DUE DATE 1 June 18, 2018

REVISED DUE DATE 2 July 31, 2018

REVISED DUE DATE 4 August 20, 2018

Motion for observation regarding cross-examination of
reply witness

Motion to exclude evidence

Request for oral argument

REVISED DUE DATE 5 August 28, 2018

Response to motion for observation re cross-examination
of reply witness

Opposition to motion to exclude

REVISED DUE DATE 6 September 3, 2018

Reply to opposition to motion to exclude

REVISED DUE DATE 7 September 6, 2018

Oral argument;

FURTHER ORDERED that Patent Owner is authorized to file a Supplemental Response addressing the newly instituted claims, the Supplemental Response limited to fifteen (15) pages filed no later than REVISED DUE DATE 1; and

FURTHER ORDERED that Petitioner is authorized to file a Supplemental Reply addressing issues raised by Patent Owner's Supplemental Response, the Supplemental Reply limited to fifteen (15) pages filed no later than REVISED DUE DATE 2.

IPR2017-01342
Patent 8,661,498 B2

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