

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TELESIGN CORPORATION,  
Petitioner,

v.

TWILIO INC.,  
Patent Owner.

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Case IPR2017-01976 (Patent 8,837,465 B2)  
Case IPR2017-01977 (Patent 8,755,376 B2)<sup>1</sup>

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Before ROBERT J. WEINSCHENK, KIMBERLY McGRAW, and  
SCOTT C. MOORE, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

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<sup>1</sup> This Order pertains to both of these cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this heading style for any subsequent papers.

IPR2017-01976 (Patent 8,837,465 B2)

IPR2017-01977 (Patent 8,755,376 B2)

## I. INTRODUCTION

On September 25, 2018, Judges Weinschenk, McGraw, and Moore held a telephone conference call with counsel for TeleSign Corporation (“Petitioner”) and counsel for Twilio Inc. (“Patent Owner”). A court reporter was present on the conference call. This order summarizes statements made during the conference call. A more complete record may be found in the court reporter’s transcript, which is to be filed by Patent Owner as an exhibit.

## II. ANALYSIS

Patent Owner requested authorization to file a motion to strike certain portions of Petitioner’s Reply that allegedly exceed the scope set forth in 37 C.F.R. § 42.23(b). Patent Owner argued that the Reply includes new theories of unpatentability that were not included in the Petition. Petitioner argued that the Reply properly responds to arguments made in Patent Owner’s Response.

After considering the respective positions of the parties, we hereby authorize Patent Owner to file a 5-page motion to strike by October 5, 2018, and we authorize Petitioner to file a 5-page opposition to the motion to strike by October 17, 2018. In the motion to strike, Patent Owner should identify (by page and line numbers) exactly which arguments in Petitioner’s Reply allegedly exceed the proper scope set forth in 37 C.F.R. § 42.23(b), and explain specifically why those arguments exceed the proper scope. The parties are not permitted to submit any additional arguments regarding the patentability of the challenged claims in the motion to strike or the opposition. Further, no additional evidence may be submitted with the motion to strike or the opposition.

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### III. ORDER

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's request for authorization to file a motion to strike is *granted*;

FURTHER ORDERED that Patent Owner may file a 5-page motion to strike in each of the above-listed proceedings by October 5, 2018, in accordance with the instructions above;

FURTHER ORDERED that Petitioner may file a 5-page opposition to the motion to strike in the above-listed proceedings by October 17, 2018, in accordance with the instructions above; and

FURTHER ORDERED that no reply is authorized at this time.

IPR2017-01976 (Patent 8,837,465 B2)

IPR2017-01977 (Patent 8,755,376 B2)

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