

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MACRONIX INTERNATIONAL CO., LTD., MACRONIX ASIA LIMITED,
MACRONIX (HONG KONG) CO., LTD. and MACRONIX AMERICA, INC.
Petitioners

v.

SPANSION LLC
Patent Owner

Case No. IPR2014-00108
Patent Number 7,151,027

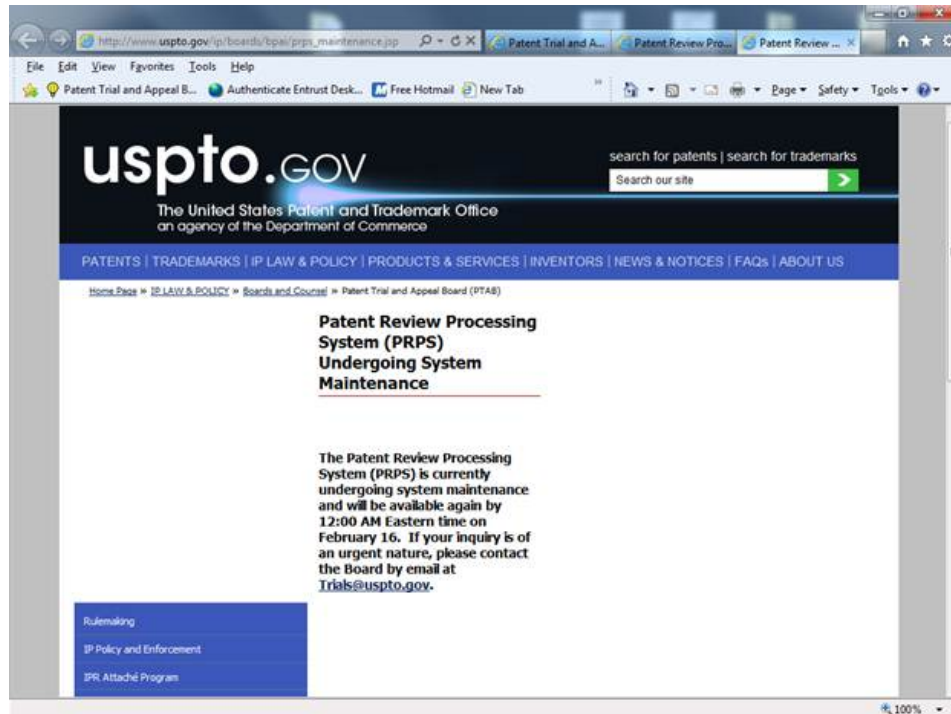
Before KRISTEN L. DROESCH, JUSTIN T. ARBES, and
RICHARD E. RICE, *Administrative Patent Judges*.

**PATENT OWNER'S UNOPPOSED
MOTION TO ACCEPT FILING DATE OF
FEBRUARY 19, 2014 FOR
PATENT OWNER PRELIMINARY RESPONSE
AND RELATED EXHIBIT**

Patent Owner Spansion LLC submits this Unopposed Motion to Accept Filing Date of February 19, 2014 for Patent Owner's Preliminary Response and Related Exhibit pursuant to 37 CFR § 42.6(b)(2)(i). (No fee is believed to be required for consideration of this motion. The Office is authorized to charge any fee deficiency, or credit any overpayment, to Deposit Acct. No. 181945.)

Facts Relevant to this Motion

1. On February 19, 2014, counsel for Patent Owner attempted to file Patent Owner's Preliminary Response and related Exhibit in the above-captioned matter, as well as in three other matters involving the same parties, through the Patent Review Processing System (PRPS).
2. As of approximately 10:50pm on February 19, 2014, PRPS became unavailable and remained unavailable until after 12 midnight. An image of the error/maintenance screen provided by PRPS at that time is excerpted below:



3. On February 19, 2014, pursuant to instructions provided by the Board regarding submission procedures in the event PRPS is unavailable, found at <http://www.uspto.gov/ip/boards/bpai/prps.jsp> (“PRPS Frequently Asked Questions”), counsel for Patent Owner (copying counsel for Petitioner) submitted Patent Owner’s Preliminary Response and related Exhibit via the Board’s email address, trials@uspto.gov, and requested the Board’s assistance in having these materials appropriately posted to the PRPS docket.
4. Counsel for Patent Owner effected service of the Patent Owner Preliminary Response and related Exhibit on counsel for Petitioners on February 19, 2014.
5. On February 20, 2014, the Patent Trial and Appeal Board Paralegal Operations Manager responded to Patent Owner’s emails, directing counsel for Patent

Owner to file, on February 20, 2014, the documents submitted by email, as well as a short Motion to Accept the Filing Date of February 19, 2014.

Relief Requested

By this motion, Patent Owner respectfully requests that the Patent Owner Preliminary Response and related Exhibit (No. 2001) sent to the Board and to counsel for Petitioners by email on February 19, 2014 (and which are being resubmitted today via PRPS) be accorded the filing date of February 19, 2014, the date they were sent by email to the Board and counsel for Petitioners. Counsel for Petitioners has indicated that Petitioners do not oppose this motion.

Respectfully submitted,

February 20, 2014

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Attorneys for Patent Owner, Spansion LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the following documents has been served in its entirety by filing aforementioned documents through the Patent Review Processing System, as well as by causing the aforementioned documents to be electronically mailed, pursuant to the Petitioner and Patent Owner's agreement, to the following attorneys of record for the Petitioner listed below:

1. Patent Owner's Unopposed Motion to Accept Filing Date of February 19, 2014 for Patent Owner's Preliminary Response and Related Exhibit

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Dated: February 20, 2014

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