

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco Systems, Inc.
Petitioner

v.

C-Cation Technologies, LLC
Patent Owner

Patent No. 5,563,883

Filing Date: July 18, 1994

Issue Date: October 8, 1996

Title: DYNAMIC CHANNEL MANAGEMENT AND SIGNALLING METHOD AND
APPARATUS

Inter Partes Review No. _____

**MOTION TO RECOGNIZE FEBRUARY 19, 2014 AS FILING DATE OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 5,563,883**

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INTER PARTES REVIEW OF U.S. PATENT NO. 5,563,883**

I. Statement of Precise Relief Requested

Petitioner Cisco Systems, Inc. respectfully requests that the Patent Trial and Appeal Board (“the Board”) recognize Petitioner’s Petition for *Inter Partes* Review of U.S. Patent No. 5,563,883 as being filed on February 19, 2014, the date on which Petitioner transmitted a complete copy of the petition to the Board by email due to unavailability of the PRPS system.

II. Statement of Facts Showing Good Cause for the Board to Recognize Date of Email Transmission as Filing Date of Petition for *Inter Partes* Review

On February 19, 2014, at approximately 10:50 PM Eastern Time, counsel for Petitioner attempted to login to the PRPS system via the “Direct Link” available at: <https://ptabtrials.uspto.gov/>. However, the PRPS system was not available. Despite repeated attempts to access the Direct Link, counsel for Petitioner continued to encounter the following message:

“The Patent Review Processing System (PRPS) is currently undergoing system maintenance and will be available again by 12:00 AM Eastern time on February 16. If your inquiry is of an urgent nature, please contact the Board by email at Trials@uspto.gov.”

The system maintenance message appeared to be a PRPS system error, given that the end of the indicated maintenance window, February 16, has already passed and given that counsel for Petitioner had successfully logged into the PRPS system only a few hours earlier on February 19, 2014.

Because the PRPS system was unavailable, Petitioner submitted its Petition for *Inter Partes* Review of U.S. Patent No. 5,563,883 via email to Trials@uspto.gov, per the guidance provided on the Board's website.

Petitioner's complete Petition, meeting all statutory filing requirements, was transmitted to the Board via email (to Trials@uspto.gov) on February 19, 2014, along with proper authorization to charge the full amount of the required filing fee to counsel for Petitioner's deposit account. A complete service copy of the Petition was also sent to the patent owner by Express Mail on February 19, 2014.

Ms. Vignone, the Board's Paralegal Operations Manager, responded to Petitioner's submission by email on February 20, 2014 (copy attached as Exhibit A). Ms. Vignone informed counsel for Petitioner that the PRPS website was in fact down for maintenance for a brief period on February 19, 2014 and instructed counsel to re-file all documents via the PRPS system along with the present motion.

On February 20, 2014, concurrent with the filing of this Motion, counsel for Petitioner refilled its Petition and all supporting documents via the PRPS system, along with submission of a credit card payment of the statutory filing fee.

Accordingly, Petitioner respectfully requests that the Board grants its motion to recognize Petitioner's Petition for *Inter Partes* Review of U.S. Patent No. 5,563,883 as being filed on February 19, 2014, assuming the Board otherwise deems Petitioner's submission to meet all applicable filing requirements.

Date: February 20, 2014

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EXHIBIT A

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