

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAID TECHNOLOGIES INC.,
Petitioner

v.

YODLEE, INC. and YODLEE.COM, INC.,
Patent Owner.

Case IPR2016-00275
Patent 6,199,077 B1

Before SALLY C. MEDLEY, MICHAEL R. ZECHER, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

ORDER

Authorizing Motion to Accord New Filing Date
37 C.F.R. § 42.20 and 42.22(d)

In emails dated January 9 and 28, 2016, counsel for Petitioner sought a teleconference with the Board to request leave to file a motion to change the filing date accorded the Petition in this case from December 3, 2015, to December 2, 2015. Although Petitioner contends the Petition and accompanying fee were uploaded before midnight on December 2, Petitioner alleges “technical issues with uploading certain exhibits” that caused the

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Petition to be submitted finally in the early morning hours of December 3. Petitioner represents Patent Owner has indicated it will oppose any motion to change the accorded filing date.

Given that the complaint in the underlying litigation was served on December 2, 2014, *see* Pet. 1–2, the difference between a December 2, 2015, and a December 3, 2015, filing date in this case could prevent us from instituting an *inter partes* review. *See* 35 U.S.C. § 315(b). Accordingly, we authorize Petitioner to file, on or before February 8, 2016, a motion to accord a new filing date to IPR2016-00275, which is not to exceed 10 pages in length. We authorize Patent Owner to file an opposition to the motion, if any, on or before February 16, 2016, also not to exceed 10 pages in length. No reply is authorized at this time.

Counsel for Petitioner is instructed to set forth the following in the motion: (1) the circumstances surrounding the electronic filing of the petition in IPR2016-00275, including any evidence of technical problems with the Board’s website or the Patent Review Processing System (PRPS); (2) the steps taken by Petitioner before and after any technical problems arose to ensure timely filing of the petition and exhibits; and (3) the authority of the Board, if any, to waive the statutorily mandated one year time limitation for filing the present case, to the extent such time limitation applies. *See* 35 U.S.C. § 315(b).

ORDER

For the reasons given, it is:

ORDERED that Petitioner is authorized to file a motion to accord a new filing date to IPR2016-00275;

FURTHER ORDERED that the motion is not to exceed 10 pages in length and is to be filed on or before February 8, 2016;

FURTHER ORDERED that Patent Owner is authorized to file an opposition to the motion to accord a new filing date for IPR2016-00275;

FURTHER ORDERED that any opposition is not to exceed 10 pages in length and is to be filed on or before February 16, 2016; and

FURTHER ORDERED that no reply is authorized at this time.

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PETITIONER:

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PATENT OWNER:

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