

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

IPR2016-00275
U.S. Patent No. 6,199,077 B1

**DECLARATION OF JILL MCCORMACK IN SUPPORT OF MOTION TO
CORRECT FILING DATE**

Mail Stop **Patent Trial and Appeal Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Plaid Technologies, Inc.
IPR2016-00275
Exhibit 1022
Plaid Technologies, Inc. v. Yodlee,
Inc. and Yodlee.com, Inc.

1. I am an attorney at the law firm of Gibson, Dunn & Crutcher LLP (“Gibson Dunn”). I submit this Declaration in support of Petitioner’s Motion to Correct Filing Date in Case IPR2015-00275.

2. On December 2, 2015, my colleague, Omar Amin, and I attempted to file petitions for *Inter Partes* review of U.S. Patent No. 6,317,783 (the “’783 Petition”) and U.S. Patent No. 6,177,077 (the “’077 Petition”).

3. By December 1, 2015, we had obtained a Power of Attorney for each Petition, and deposited sufficient funds in Gibson Dunn’s Deposit Account to pay the filing fee for both the ’783 and ’077 Petitions.

4. On the evening of December 2, 2015, Petitioner’s expert, Dr. Todd Mowry, sent us the signed signature pages for his respective declarations at 10:26 p.m. EST. Mr. Amin and I waited until we received the signed signature pages just in case Dr. Mowry had any changes that had to be reflected in the other petition documents. Soon thereafter, we began the process of filing the two petitions. Because both petitions were signed by the same lead counsel, Brian Buroker, also of Gibson Dunn, Mr. Amin and I believed that the petitions needed to be filed sequentially from Mr. Buroker’s PRPS account.

5. We began the filing process with the ’783 Petition, which was accompanied by thirteen exhibits. While attempting to file the first petition, we experienced delays in uploading the exhibits, wherein Mr. Amin’s Internet browser

would intermittently hang. Thus, we were not able to click “Submit” for the ’783 Petition until approximately 11:40 p.m.

6. Recognizing the limited time remaining to file the ’077 Petition, we immediately started the process of filing the ’077 Petition. We started a new petition for the ’077 Petition. Specifically, Mr. Amin entered into PRPS the patent number and the statutory grounds for challenge, identified the number and identity of challenged claims, entered the party information, and began uploading the petition documents.

7. After selecting the ’077 Petition (in PDF form) to upload to PRPS, the Internet browser (Google Chrome) indicated that the upload was being processed. However, the upload would not complete, and the system hung for several minutes. We were unable to pick a document type, identify the Petition Name, or complete the upload of the ’077 Petition at that point. Realizing that the midnight deadline was fast approaching, we decided to abort the filing and try again on another computer.

8. Unsure whether Mr. Buroker’s PRPS account would also be frozen as a result of the aborted filing, but recognizing the approaching midnight deadline, around 11:45 p.m. we restarted the process of logging into PRPS again using a different computer. On the new computer, we managed to quickly enter the identifying information for the ’077 Petition, along with party information, upload

the petition, pay the fee and upload some of the exhibits before midnight. Several other exhibits, however, were slow to upload and/or caused my computer's Internet browser to hang intermittently. Near midnight, we still had additional exhibits to upload. At that time, given that the petition and fee had been paid on December 2, 2015, we thought that the petition might receive a December 2, 2015 filing date. But we were not sure about that and did not think we could hit "Submit" until all exhibits were uploaded. And, we did not want to abort a second attempted filing. So we continued to upload exhibits and then hit "Submit." But by the time that happened, it was 12:29 a.m. In my past experience, the lag I encountered for certain exhibits in the filing of the '077 Petition was unusual. I had previously completed PRPS filings at the same location, and exhibits were uploaded to PRPS in a matter of seconds after I selected them for upload.

9. The '077 Petition was then deposited with FedEx for next day delivery shortly after filing and delivered to the correspondence address for Patent Owner on the morning of December 4, 2016. Screenshot of Federal Express Tracking Data, Ex. 1024.

10. On the morning of December 3rd, Mr. Amin and I called the Board and also travelled to the Patent Office to request correction of the filing date to December 2, 2015, because the petition had been uploaded and the fee paid by that date. That day, we spoke with Ms. Maria Vignone, who indicated that we should

request leave to file a Motion to Correct Filing Date. Ms. Vignone further explained that Patent Owner could oppose such a motion and that Patent Owner's counsel would have to be copied on any request to the Board.

11. In signing this Declaration, I recognize that the Declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. And further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

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