

v.

Patent 8,962,685

VIREO SYSTEMS, INC. and
UNEMED CORPORATION

Patent Owner.

**MOTION UNDER 37 C.F.R. 42.6(b)(2) FOR
NON-ELECTRONIC FILING
OF
PRELIMINARY PATENT OWNER'S RESPONSE**

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

2016.

Owner attaches hereto (1) the Response, (2) Exhibit 2022, a declaration by Jacob Neu, and (3) a certificate of mailing.

FACTS IN SUPPORT OF MOTION

A summary of the facts in support of this motion are as follows. All facts are supported by the declaration of Jacob Neu (Exhibit 2022).

Owner's counsel of record Jacob Neu, Reg. No. 67,546, attempted to upload the attached Response via the PTAB E2E at 3:48 PM CT on August 3, 2016. The E2E system generated an error appearing in the upper right corner of the browser stating, "There is an issue saving document." An example of this is attached as a screenshot to the declaration of Jacob Neu. Mr. Neu then successfully uploaded Exhibit Nos. 2001-2020 using the separate exhibit upload screen at 3:57 PM CT.

Mr. Neu then attempted several more times to upload the Response, at 3:58 PM, 3:59 PM, 4:02 PM, 4:16 PM, 4:17 PM, 4:23 PM, 4:34 PM, 4:39 PM, and 4:40 PM. These efforts included removing all metadata and hyperlinks in the Response, and attempting to upload a scanned version of a paper copy of the Response. Mr. Neu also emailed ptabe2e_system@uspto.gov at 4:04 PM seeking assistance for the

At the time of mailing, no response had been received from the USPTO.

In addition, Mr. Neu's co-counsel Stephen Hall attempted to upload the Response from a different computer at 5:19 PM, 5:26 PM, and 5:29 PM. Such efforts were also unsuccessful.

Due to these technical issues, Owner served Petitioner Harvest Trading Group, Inc. ("Petitioner") service copies of the Response and associated exhibits at 4:52 PM. At 4:58 PM, Owner also notified counsel in a separate email concerning the issue with uploading the Response and expressed that it would continue attempting to upload electronically, and also proceed with filing this Motion.

In an abundance of caution, and in order to provide the Response to the PTAB in some form electronically, Owner has submitted the Response as an "exhibit," Exhibit 2021, rather than using the "File Preliminary Response" tab. The Response was filed as "Exhibit 2021" at 5:46 PM, and it appears as such on the E2E docket page for IPR2016-00947.

The forgoing facts are attested to in a declaration by Mr. Neu, attached hereto as Exhibit 2022, with attached evidence of the attempted filings, emails, and service of Petitioner included with the declaration.

Respectfully submitted,

/Stephen H. Hall/

Stephen H. Hall, Reg. No. 44,734

Jacob W. Neu, Reg. No. 67,546

BRADLEY ARANT

BOULT CUMMINGS, LLP

200 Clinton Avenue West, Suite 900

Huntsville, AL 35801-4900

Telephone: (256) 517-5140

Facsimile: (256) 517-5240

shall@bradley.com

jneu@bradley.com

Exhibits was served on the following counsel for Petitioner via electronic service pursuant to 37 C.F.R. § 42.6(e) and agreement of the parties:

PEPPER HAMILTON LLP
Raymond A. Miller
Curtis Wadsworth, J.D., Ph.D.
500 Grant St., Suite 5000
Pittsburgh, PA 15212

Stephen H. Hall, Reg. No. 44,734
Jacob W. Neu, Reg. No. 67,546

**BRADLEY ARANT
BOULT CUMMINGS, LLP**
200 Clinton Avenue West, Suite 900
Huntsville, AL 35801-4900
Telephone: (256) 517-5140
Facsimile: (256) 517-5240
shall@bradley.com
jneu@bradley.com

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.