

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**

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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/

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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:

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