

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

CULTEC, INC.,

Petitioner,

v.

STORMTECH LLC,

Patent Owner.

Case IPR2017-00526

U.S. Patent No. 8,672,583

**DECLARATION OF STEPHEN P. MCNAMARA IN SUPPORT OF
PETITIONER'S MOTION TO ACCORD A FILING DATE OF
JANUARY 5, 2017 TO PETITION FOR INTER PARTES REVIEW**

I, Stephen P. McNamara, declare as follows:

1. I am a partner at St. Onge Steward Johnston & Reens LLC, 986 Bedford Street, Stamford, CT 06905 and I am admitted to practice law in the State of Connecticut and before the United States Patent and Trademark Office. I submit this Declaration based upon my personal knowledge, information and belief and from review of the documents and business records produced in this matter.

2. I submit this Declaration in support of Petitioner's Motion to Accord a Filing Date of January 5, 2017 to Petition for Inter Partes Review of U.S. Patent 8,672,583.

3. On January 5, 2017 I was present with Ms. Jessica White as she uploaded all Petition documents and completed all online forms required for the IPR. At that time, we proceeded to pay the total IPR cost of \$25,600 for the Petition through USPTO Financial Manager using my business credit card.

4. The Financial Manager displayed a message indicating that the total IPR cost of \$25,600 exceeded the credit card daily limit of \$24,999.99 as set by the United States Department of the Treasury. Exhibit 1013 shows the error message. We had not previously seen or been aware of any credit card daily limit.

5. We returned to the Financial Manager screen and authorized the charge against the St. Onge Steward Johnston & Reens LLC USPTO deposit account. This payment attempt was not accepted.

6. We returned to the Financial Manager screen and investigated the possibility of splitting the cost into two parts and paying for each part separately by the deposit account and by the credit card. However, the Financial Manager was not able to accommodate a payment split.

7. We then went ahead with authorizing a credit card payment to pay the total IPR cost of \$25,600 for the Petition through USPTO Financial Manager. We received a USPTO Fees Payment Receipt (“Receipt”) at 7:10 pm which indicated that the payment status was “in process.” Exhibit 1014 is a screenshot of the Receipt. Since it appeared that payment was “in process” and had not been “rejected” or “declined” we believed that payment would be accepted, notwithstanding the United States Department of the Treasury notice.

8. Later in the evening, at about 11:00 pm, I received a call from Ms. White advising that the IPR did not appear to be accepted for filing. We decided to try another method of payment, this time using my personal *debit* card. At the time the amount of funds in my personal checking account associated with the debit card exceeded \$26,000 and should have been sufficient to cover the required fee.

While I was on the phone with her, Ms. White twice attempted to submit payment by authorizing the charge against my debit card. These attempts were not accepted.

9. I made a third attempt myself to submit payment for the IPR with my debit card at approximately 11:55 pm. This final attempt was also unsuccessful.

I declare under penalty of perjury the foregoing is true and correct.

March 23, 2017

/s/Stephen P. McNamara/

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned hereby certifies that service was made to the correspondence address of record for the '583 patent as listed in the records of the United States Patent and Trademark Office.

Date of Service: March 23, 2017
Manner of Service: Electronic Mail and PTAB E2E System
Documents Served: Declaration of Stephen P. McNamara In Support Of
Petitioner's Motion To Accord A Filing Date Of January
5, 2017 To Petition For Inter Partes Review

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Dated: March 23 2017

/s/Stephen P. McNamara/
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