

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 JESSICA L. WHITE IN SUPPORT OF
PETITIONER'S MOTION TO ACCORD A FILING DATE OF
JANUARY 5, 2017 TO PETITION FOR INTER PARTES REVIEW**

I, Jessica L. White, declare as follows:

1. I am a paralegal at St. Onge Steward Johnston & Reens LLC (“SSJR”), 986 Bedford Street, Stamford, CT 06905 and have been employed by SSJR since November 2011.

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 based upon my personal knowledge as it relates to the filing of Cultec, Inc.’s Petition for Inter Partes Review of U.S. Patent 8,672,583, Case IPR2017-00526 (“Petition”).

3. On December 22, 2016, on behalf of Stephen P. McNamara, I initiated Case IPR2017-00526 (the “IPR”) through the Patent Trial and Appeal Board (“PTAB”) E2E System. Exhibit 1011 is a screenshot of the E2E system screen showing the case initiation date. I prepared for the planned IPR filing by reviewing each screen in the E2E System in order that I would be prepared for all of the IPR filing steps. However, since I was not making the IPR filing I did not proceed to the USPTO Financial Manager payment screens.

4. On January 5, 2017 I uploaded all Petition documents and completed all online forms required for the IPR with Mr. Stephen McNamara in the later

afternoon. Exhibit 1012 is screenshots indicating the upload date of January 5, 2017.

5. On January 5, 2017 I proceeded with Mr. Stephen McNamara to pay the total IPR cost of \$25,600 for the Petition through USPTO Financial Manager using Mr. McNamara's business credit card.

6. 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.

7. We returned to the Financial Manager screen and authorized the charge against the SSJR USPTO deposit account. This payment attempt was not accepted.

8. We again 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 this payment either.

9. 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” we believed that payment would be accepted despite the earlier notice.

10. Since the filing seemed to be in order at that time, I went ahead and served Patent Owner’s designated Correspondent (and counsel in this IPR proceeding) Finnegan, Henderson, Farabow, Garrett & Dunner, LLP via email with a courtesy electronic copy of the Petition and Exhibits on January 5, 2017.

11. Additionally, I served Patent Owner with a paper copy of the Petition and Exhibits at the Patent Owner’s Correspondence address Finnegan, Henderson, Farabow, Garrett & Dunner, LLP via FedEx overnight delivery on January 5, 2017 (which FedEx confirms was delivered on January 6, 2017 at 12:44 pm).

12. Later in the evening of January 5, 2017, at about 11:00 pm, I checked the status of the IPR submission, and I discovered that the IPR was not available to the public. I consulted with Mr. McNamara by telephone, and we decided to try another method of payment, this time using Mr. McNamara’s *debit* card. We made another two attempts to submit payment by authorizing the charge against Mr. McNamara’s debit card. Neither of these attempts were successful either.

13. On the morning of January 6, 2017 I placed a call to the Patent Trial and Appeal Board regarding the foregoing payment issues. I was told by a

member of the help desk that the PTAB has received several calls regarding issues with payment via debit card and that the best form of payment – the only one the PTAB recommends – is a Deposit Account.

14. On January 6, 2017 payment for the IPR was successfully completed through SSJR's Deposit Account accessed through USPTO Financial Manager and a payment receipt was issued indicating a payment status of "cleared." A true and correct copy of the January 6, 2017 USPTO Fees Payment Receipt is attached hereto as Exhibit 1015.

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

March 23, 2017

/s/Jessica L. White/

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 Jessica L. White In Support Of
Petitioner's Motion To Accord A Filing Date Of January
5, 2017 To Petition For Inter Partes Review

Persons Served: James R. Barney
Aaron L. Parker
Jose M. Recio
FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001
Tel.: 202-408-4000
Fax: 202-408-4400
Email: james.barney@finnegan.com
aaron.parker@finnegan.com
jose.recio@finnegan.com

CORRESPONDENCE ADDRESS FOR
PATENT OWNER

Dated: March 23, 2017

/s/Stephen P. McNamara/
Stephen P. McNamara
USPTO Reg. No. 32,745
ST. ONGE STEWARD JOHNSTON &
REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
Tel. 203 324-6155
litigation@ssjr.com