

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

FINTIV, INC.,
Patent Owner.

IPR2023-00398 (Patent 10,438,196 B2)
IPR2023-00399 (Patent 9,208,488 B2)¹

Before MICHAEL R. ZECHER, GEORGE R. HOSKINS, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding
37 C.F.R. § 42.5(a)

¹ We are entering this same Order in both of the indicated proceedings. The parties are not authorized to use a combined caption in these proceedings.

IPR2023-00398 (Patent 10,438,196 B2)

IPR2023-00399 (Patent 9,208,488 B2)

In both of these two proceedings, the Board issued a Notice of Filing Date Accorded to Petition on January 11, 2023. *See, e.g.*, IPR2023-00398, Paper 3. Accordingly, Patent Owner's Preliminary Responses were due on April 11, 2023. *See* 37 C.F.R. § 42.107(b).

Late in the evening on April 11, 2023, Patent Owner's counsel sent an e-mail communication to the Board, which we have entered into the record as Exhibit 3001. This resulted in a series of additional e-mail communications on April 12, 2023, some of which are also found in Exhibit 3001. Further on April 12, 2023, Patent Owner's counsel filed a Preliminary Response and accompanying Exhibits in both proceedings.

In consideration of the communications found in Exhibit 3001 and, in particular, Petitioner's indication that it has no objections to according the Preliminary Response and accompanying Exhibits in both proceedings a filing date of April 11, 2023, it is hereby:

ORDERED that in both of these proceedings, the Preliminary Response and accompanying Exhibits that were filed by Patent Owner's counsel on April 12, 2023, shall be accorded a filing date of April 11, 2023.

IPR2023-00398 (Patent 10,438,196 B2)

IPR2023-00399 (Patent 9,208,488 B2)

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