**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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PAYPAL HOLDINGS, INC., AND PAYPAL, INC.
Petitioners,

v.

FINTIV, INC.
Patent Owner.

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Case No. IPR2023-00744
U.S. Patent No. 8,538,845

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# PETITIONERS' UPDATED MANDATORY NOTICES

Pursuant to 37 C.F.R. § 42.8(b), Petitioners submit the following updated Mandatory Notices in IPR2023-00744.

**A. Real Parties-in-Interest**

No change.

**B. Related Matters**

Petitioners had identified that U.S. Patent No. 8,538,845 (the "'845 Patent"), challenged in this instant petition, has been asserted by Patent Owner, Fintiv Inc. ("Fintiv"), against *PayPal Holdings, Inc.* in the following district court litigation: *Fintiv, Inc. v. PayPal Holdings, Inc.*, No. 6:22-cv-00288-ADA (W.D. Tex.). Ex-1009. Further, on January 9, 2023, the Court had issued a final claim construction order finding the claim term "payment handler" / "payment handler service" in other patents asserted by Fintiv in that action[1] (but not the '845 patent) indefinite under 35 U.S.C. § 112(f), which rendered the asserted claims of the other patents asserted against PayPal Holdings, Inc. in that litigation invalid.

The Court denied Fintiv's motion for reconsideration of this claim construction order on May 10, 2023 (Dkt. 102 at 1), and on July 5, 2023 the Court granted the parties' joint motion to stay all deadlines pending the resolution of the instant *inter partes* review proceeding (IPR2023-00744), any potential appeal of the

[1] U.S. Patent Nos. 9,892,386 (the "'386 patent"), 11,120,413 (the "'413 patent"), 9,208,488 (the "'488 patent"), and 10,438,196 (the "'196 patent") (collectively, the "Invalidated Patents").

final written decision regarding the same, and the conclusion of any potential appeal of the Court's "payment handler" term, so that the '845 patent and the Invalidated Patents will continue to be litigated as one case. *See* Dkt. Nos. 101, 102 at 2.

### C. Lead and Backup Counsel

No change.

### D. Service Information

No change.

Dated: July 7, 2023

Respectfully submitted,

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Lead Counsel for Petitioners

## CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2023, I caused a true and correct copy of the foregoing document to be served on the Patent Owner via email:

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Dated: July 7, 2023

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