

From: [Daniel H. Golub](#)
To: [Trials](#)
Cc: [Winston-PayPal-Fintiv](#); [Jensen, Travis](#); [Fintiv v. PayPal](#); [Brandon R. Theiss](#); ["Chen \"Alexandra\" Jia"](#)
Subject: RE: PayPal Holdings, Inc. et al v. Fintiv, Inc (IPR2023-00744) | Request by Petitioner for Leave to Reply to Patent Owner's Preliminary Response
Date: Wednesday, August 9, 2023 4:21:11 PM
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Dear Honorable Board,

Patent Owner opposes Petitioner's request for a Pre-Institution Reply to address issues of claim construction with respect to the terms, "unbanked subscriber," and "the limit check determining whether sufficient funds are available to make the deposit amount."

With respect to "unbanked subscriber," the Patent Owner Preliminary Response (POPR) accepted Petitioner's proposed construction of that term. See, e.g., POPR, at 11 ("applying Petitioners' own construction of "unbanked subscriber," it is clear that Petitioners have failed to meet their burden of explaining how the relied on references meet this limitation.") Since the POPR is not disputing Petitioner's proposed construction of "unbanked subscriber," there is no basis for addressing the construction of that term by way of a Pre-Institution Reply.

With respect to "the limit check determining whether sufficient funds are available to make the deposit amount," neither the Petition nor the POPR proposed a specific construction for this term. Accordingly, there is no basis for addressing the construction of that term by way of a Pre-Institution Reply.

Respectfully submitted,

Daniel H. Golub
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From: Kang, Robert Nai-Shu <RKang@winston.com>

Sent: Wednesday, August 9, 2023 2:23 PM

To: Trials USPTO <trials@uspto.gov>

Cc: Winston-PayPal-Fintiv <Winston-PayPal-Fintiv@winston.com>; Jensen, Travis <tjensen@orrick.com>; Daniel H. Golub <DGolub@vklaw.com>; Fintiv v. PayPal <FintivPayPal@kasowitz.com>; Brandon R. Theiss <BTHeiss@vklaw.com>

Subject: PayPal Holdings, Inc. et al v. Fintiv, Inc (IPR2023-00744) | Request by Petitioner for Leave to Reply to Patent Owner's Preliminary Response

Dear Honorable Board:

Petitioners request authorization in the above-identified matter to file an eight-page reply to Patent Owner's Preliminary Response. Petitioners' reply would be limited to addressing Patent Owner's claim construction positions for two terms in the challenged claims: (i) "unbanked subscriber," and (ii) "the limit check determining whether sufficient funds are available to make the deposit amount." There is good cause for Petitioners' reply as the claim construction issues to be addressed in the reply were not known to Petitioners before they filed the Petition and therefore could not have been reasonably anticipated by Petitioners or addressed in the petition.

Patent Owner opposes Petitioners' request for a Pre-Institution Reply to address claim construction of the identified terms. Petitioners and Patent Owner met and conferred regarding this request.

The parties are available for a telephone conference with the Board on the following dates, if the Board determines a call is necessary: Thursday, August 10 from 10-11:30 a.m. and 12:30-4 p.m. Eastern, and Friday August 11 from 10 a.m. to 12:30 p.m., and 1 p.m. to 4 p.m. Eastern.

Respectfully submitted,

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