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Subject: IPR2023-00744 - PayPal Holdings, Inc. and PayPal, Inc. v. Fintiv, Inc. - Patent Owners' Request for Rehearing by the Director
Date: Wednesday, November 1, 2023 7:48:35 PM
Attachments: [2023 11 01 Fintiv's Request for Rehearing by Director \(IPR2023-00744\).pdf](#)

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SENT ON BEHALF OF JONATHAN K. WALDROP

Director Vidal,

Patent Owner Fintiv, Inc., respectfully notifies the parties and the USPTO of its filing of the attached Request for Rehearing by the Director ("Request"), Paper 12, filed pursuant to 37 C.F.R. § 42.71(d) and the Revised Interim Director Review Process adopted on July 24, 2023, of the decision by the Board granting institution (Paper 10) in IPR2023-00744.

The Request presents the following important issues: (1) whether the Director can institute an *inter partes* review if the Petition fails to demonstrate that the relied on references meet the claim construction advanced in the Petition, and, if so, (2) whether an institution can hinge on information not set forth in the Petition. In the present case, the Board failed to assess whether the prior art met the Petition's own proposed claim construction. The Board then authored its own argument for unpatentability, based on information not included in the Petition, and instituted the *inter partes* review.

Accordingly, Patent Owner respectfully requests Director Review of the Board's Oct. 19, 2023 Institution Decision. Paper 10. Patent Owner has attached the Request of Rehearing by Director, timely filed earlier today.

Respectfully submitted,

Jonathan K. Waldrop
Reg. No. 50,334
Counsel for Patent Owner

Attachment: Paper No. 12 filed Nov. 1, 2023

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