

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

FINTIV, INC.
Patent Owner.

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

PETITIONERS' REQUEST FOR ORAL HEARING

Pursuant to 37 C.F.R. § 42.70(a), and the Board’s Scheduling Order dated October 19, 2023, (Paper 11), PayPal Holdings, Inc., and PayPal, Inc. (“Petitioners”), respectfully request oral argument, currently scheduled for July 18, 2024.

Pursuant to 37 C.F.R. § 42.70(a), Petitioners intend to argue the invalidity of the challenged claims based on the instituted grounds for trial including:

1. Whether claims 5-7 of U.S. Patent No. 8,538,845 (the “’845 Patent”) are anticipated by US Publication No. 2007/0255620 to Tumminaro (“Tumminaro”);
2. Whether claims 5-7 of the ’845 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Tumminaro and the background knowledge of a person of ordinary skill in the art (“POSA”);
3. Whether claims 1-3 are unpatentable under 35 U.S.C. § 103 as obvious over Tumminaro in view of US Publication No. 2006/0253335 to Keena (“Keena”), and the background knowledge of a POSA.
4. Any other issue the Board deems necessary for issuing a final written decision.

Petitioners respectfully requests the Board to allow 1 hour of oral argument per side and for the hearing take place in-person at the U.S. Patent and Trademark Office headquarters in Alexandria. Petitioners also request permission to use a

computer, projector, and screen to display demonstratives and exhibits, and further requests that the attorneys at Petitioners' counsel table be allowed to use computers.

On May 29, 2024, Petitioners' counsel contacted counsel for Patent Owner via email seeking its views regarding the location of the hearing, indicating that Petitioners prefer an in-person hearing. Patent Owner's counsel responded on May 30, 2024, indicating that they also intend to request an oral argument but prefer the hearing take place remotely. A meet and confer was held on June 5, 2024, and the parties remained at an impasse regarding whether the hearing should be held in-person or remotely.

Dated: June 5, 2024

Respectfully submitted,

/ Robert N. Kang /

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Lead Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 5th day of June 2024, “PETITIONERS’ REQUEST FOR ORAL ARGUMENT” was served by email on the following counsel for Patent Owner:

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