

Exhibit 2005



Isaac Rabicoff <isaac@rabilaw.com>

RE: IPR2023-00921

1 message

Trials <Trials@uspto.gov>

Tue, Jan 23, 2024 at 3:02 PM

To: Isaac Rabicoff <isaac@rabilaw.com>, Trials <Trials@uspto.gov>

Cc: "Bowser, Jonathan" <jonathan.bowser@haynesboone.com>, "Erickson, Adam" <Adam.Erickson@haynesboone.com>

Counsel,

The panel has considered Patent Owner's request. A conference call is not necessary. The Board authorizes Patent Owner to file a five (5) page Reply to Petitioner's Request for Rehearing due within five (5) business days of receipt of this response and limited to addressing the transaction data issue as discussed in Petitioner's Request for Rehearing and Patent Owner's request here. Petitioner is authorized to file a five (5) page Sur-reply, also limited to this issue, due within five (5) business days of filing of Patent Owner's Reply. Patent Owner should file a copy of this email as an exhibit in this proceeding with its Reply.

Regards,

Esther Goldschlager

Supervisory Paralegal Specialist

Patent Trial & Appeal Board

U.S. Patent & Trademark Office

From: Isaac Rabicoff <isaac@rabilaw.com>**Sent:** Friday, January 19, 2024 8:25 AM**To:** Trials <Trials@USPTO.GOV>**Cc:** Bowser, Jonathan <jonathan.bowser@haynesboone.com>; Erickson, Adam <Adam.Erickson@haynesboone.com>**Subject:** IPR2023-00921

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Dear Honorable Board,

Patent Owner hereby requests authorization from the Board to file a brief of up to five (5) pages responding to Petitioner's Request for Rehearing, filed on Jan. 3, 2024 in IPR2023-00921. We believe good cause exists for allowing Patent Owner to respond because Petitioner's arguments regarding the construction of "transaction data" raise new issues, and because the Board would benefit from additional briefing on these matters.

In particular, Petitioner's Request for Rehearing raises new issues in that Petitioner did not previously address the disclosure of Figure 11 in relation to its construction of "transaction data." Moreover, neither party had the opportunity to address the Board's construction of "transaction data" in the decision denying institution, which Petitioner is now doing for the first time on request for rehearing. Patent Owner would be prejudiced by not being allowed an opportunity to respond to these new issues, among others. Should the Board grant Patent Owner's request for the right to file a responsive brief, Patent Owner would not oppose a reply from Petitioner of equal length, up to five (5) pages.

After meeting-and-conferring about Patent Owner's request, the parties could not reach agreement, but Petitioner provided its position, which is reproduced below:

"Petitioner does not believe that a reply to Petitioner's Request for Rehearing (Paper 12) is warranted in this case. First, the Request for Rehearing does not raise new issues. The Request for Rehearing addresses the narrow interpretation of the claim term 'transaction data' in the Decision Denying Institution (Paper 11) based on the Fig. 11 embodiment of the '286 patent. Patent Owner already advocated for a narrow interpretation of this term in its Preliminary Response based on the Fig. 11 embodiment. Paper 6 at 21-22. Second, Patent Owner has not shown that there is good cause to file a reply to the Request for Rehearing, particularly where Patent Owner has already briefed its interpretation of the claim term at issue. If the Board authorizes Patent Owner to file a reply to the Request for Rehearing, Petitioner respectfully requests a five-page sur-reply."

Patent Owner respectfully disagrees with Petitioner's position, and believes that good cause exists for allowing Patent Owner to respond to the Request for Rehearing. As such, authorization for Patent Owner to file a brief of up to five (5) pages responding to Petitioner's Request for Rehearing is earnestly requested.

If the Board desires to have a call with the parties, the parties will make themselves available.

Isaac Rabicoﬀ

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