
From: Seth Lindner <slindner@bclgpc.com>

Sent: Friday, September 27, 2024 4:29 PM

To: Trials <Trials@USPTO.GOV>

Cc: Natsume, Thomas <thomas.natsume@bakerbotts.com>; Tempesta, Jennifer (External)

<jennifer.tempesta@bakerbotts.com>; eliot.williams@bakerbotts.com; Brett Cooper <bcooper@bclgpc.com>; Robert

Auchter <rauchter@bclgpc.com>; Spencer Hosie <shosie@hosielaw.com>; Diane Rice <drice@hosielaw.com>; Darrell

Atkinson <datkinson@hosielaw.com>

Subject: MasterCard v. OV Loop, IPR2023-01289 - Authorization to file motion to strike

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Honorable Board,

Patent Owner seeks permission to file a motion to strike portions of Petitioner's reply brief in IPR2023-01289. In four instances, Petitioner's Reply includes new theories of unpatentability that were not presented in the Petition and are not properly within the scope of a reply.

First, on pages 19-20 (discussion of claim limitation 8.A), the Reply argues that paragraph [0009] of Exhibit 1011 ("Collinge") "suggests that the remote system send 'static payment credentials' (which a POSITA would understand include the account number)." The Reply further states that "it would be obvious to send an account identifier along with the key, so that the mobile device knows which account's key it is receiving, which a POSITA would understand would be useful when designing a card capable of being used with multiple accounts or a credential wallet usable with multiple accounts." Neither of these arguments was presented in the Petition.

Second, on page 20 (discussion of claim limitation 8.B), the Reply presents a new argument that "a POSITA would readily understand that, logically and obviously, when the mobile device uses up the one-time key KSun after an interrogation (i.e. transaction), it should request a new KSun for the next transaction, and in response, the remote computer system would generate a send a new KSun for that account." Neither of these arguments was presented in the Petition.

Third, on page 22 (discussion of claims 16 and 33), the Reply includes a new theory that "a POSITA would understand or find this element obvious because the issuer must control the ultimate key (IMK) used to derive all other keys for security and efficiency reasons." This theory was not presented in the Petition.

Fourth, on page 23 (discussion of claims 8 and 9), the Reply presents a new theory that "a POSITA would find it obvious to send an account identifier to the mobile device along with the key, so that the mobile device knows which account's key it is receiving." This theory was not presented in the Petition.

The parties have met and conferred, and Petitioner opposes this request.

Counsel for both parties are available Wednesday, October 2, 9AM to 5PM eastern time or Thursday, October 3, 9AM to 11AM Eastern time. The parties are not opposed to discussing this issue simultaneously with Petitioner's request for authorization regarding Exhibit 1009. Patent Owner notes that the 8:23AM email from Mr. Williams (counsel for Petitioner) mistakenly stated "Patent Owner ... requests a teleconference" regarding Exhibit 1009 when it should have said "Petitioner ... requests."

Best Regards,
Seth Lindner

Seth Lindner
BC Law Group, P.C.

IPR2023-01289
Exhibit 3001

Main Office
[200 Madison Avenue](#), 24th Floor
[New York, NY 10016](#)
Main: [212-951-0100](#)
Fax: [212-951-0330](#)
Mobile: [512-203-1003](#)
Remote Office
Austin, TX
slindner@bclgpc.com

IPR2023-01289
Exhibit 3001