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Paper 35
Date: October 9, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

VISA INC.,
Petitioner,

v.

CORTEX MCP, INC.,
Patent Owner.

IPR2024-00486 (Patent 9,251,531 B2)[1]
IPR2024-00489 (Patent 10,749,859 B2)
IPR2024-00490 (Patent 11,329,973 B2)

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office*.

ORDER

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[1] IPR2024-00487 has been consolidated with IPR2024-00486. This order applies to each of the above-listed proceedings.

Cortex MCP, Inc. ("Patent Owner") filed a request for Director Review of the Final Written Decision ("Decision," Paper 31) in each of the above-captioned cases, and Visa, Inc. ("Petitioner") filed an authorized response to each request. *See* Papers 32 ("Request"), 33.[2]

The claims require generating an officially verifiable electronic representation (OVER) file comprising "a virtual representation of the credential that has been verified by an issuing agency to be an official representation of the credential" (the "disputed limitation"). *See, e.g.*, Ex. 1001, 21:24–28. Patent Owner contends the Petition was deficient in showing that Oborne[3] teaches the disputed limitation and that, during trial, Petitioner effectively changed its claim construction of that limitation, arguing that checking any underlying credential data was sufficient to satisfy the claimed issuing agency verification. Request 5–6. Patent Owner further contends that the Board improperly found claims 1, 3–6, 8–18, and 21–33 unpatentable based upon the Board's own theory that a two-step process Oborne discloses for verifying pre-funded tokens was a disclosure of the disputed limitation. *Id.* at 4.

Petitioner responds that the disclosure the Board relied on to find that Oborne taught the disputed limitation was briefed extensively during trial. Paper 33, 6. Petitioner further contends that substantial evidence supports the Board's conclusion that Oborne teaches the disputed limitation. *Id.* at 12.

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[2] Citations are to the record in IPR2024-00486. The parties filed similar papers in IPR2024-00489 and IPR2024-00490.
[3] U.S. Patent Application Publication No. 2012/0316992 A1, published Dec. 13, 2012 (Ex. 1011).

Having considered the request and the response, the Decision warrants review by a Delegated Rehearing Panel ("DRP"). Accordingly, Director Review of the Decision is delegated to a DRP to review the Decision and determine whether the Board misapprehended or overlooked any issues, including: (1) whether the Board failed to meaningfully evaluate the parties' claim construction positions as to the disputed limitation; (2) whether the Board advanced its own theory of unpatentability as to Oborne; and (3) whether Petitioner established that Oborne discloses or teaches the disputed limitation based on the arguments and evidence the parties presented during trial.

Absent good cause, the DRP shall issue a decision within 30 days of this Order.

Accordingly, it is:

ORDERED that the request for Director Review is delegated to a DRP.

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