

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

**UNITED SERVICES AUTOMOBILE ASSOCIATION,  
Petitioner**

**v.**

**NADER ASGHARI-KAMRANI and KAMRAN ASGHARI-KAMRANI,  
Patent Owners**

U.S. PATENT NO. 8,266,432  
Case CBM2016-00064

**PATENT OWNER PRELIMINARY RESPONSE**

**Mail Stop: PATENT BOARD**  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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| <b>Exhibit 2001</b> | <b>Statutory Disclaimer</b>   |
| <b>Exhibit 2002</b> | <b>AOL Time Warner, et al.</b>  |
| <b>Exhibit 2003</b> | <b>Renewed Request for Certificate of Correction, and<br/>Renewed Petition Under pre-AIA 1.78(a)(3)</b> |
| <b>Exhibit 2004</b> | <b>U.S. 8,281,129 to Asghari-Kamrani et al.</b>   |

## I. INTRODUCTION

Pursuant to 35 U.S.C. § 323, Patent Owners Nader Asghari-Kamrani and Kamran Asghari-Kamrani (“Patent Owner”), who are also the sole Inventors, respectfully submit this *Preliminary Response* responding to the Petition for *Covered Business Method Review* (“Petition”) of U.S. Patent No. 8,266,432 (“the ‘432 Patent”).<sup>1</sup>

This is not the first time Petitioner has challenged the ‘432 Patent before the Board. On September 1, 2015, Petitioner filed a *Petition for Inter Partes Review* of the ‘432 Patent under IPR2015-01842 (“Petition for IPR”) based on alleged prior art. On February 26, 2016, subsequent to Patent Owner’s December 10, 2015 *Preliminary Response*, the Board denied institution of the IPR. Now, Petitioner has subsequently filed two Covered Business Method challenges to the same patent.

Delayed, serial challenges to the same patent should be viewed unfavorably because they were not contemplated by the AIA. It places a huge burden on patent owners, and permits big companies, such as petitioner, to use its economic power, not its legal positions, to defeat the patent owner. Further, such repetitive activity

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<sup>1</sup> This filing is within three months of the Notice of Filing Date Accorded to Petition (Paper No. 3) and is timely under 35 U.S.C. § 323 and 37 C.F.R. § 42.107(b).

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