

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of:
U.S. Patent No. RE40,520

Trial Number: To Be Assigned

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Inventor(s): Doktor, Karol

Assignee: Financial Systems
Technology (Intellectual Property) Pty.
Ltd.

Title: EASILY EXPANDABLE DATA Panel: To Be Assigned
PROCESSING SYSTEM AND
METHOD

Mail Stop *Inter Partes* Review
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P.O. Box 1450
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PETITION FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.100

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On behalf of International Business Machines Corporation (“IBM”) and in accordance with 35 U.S.C. § 311 and 37 C.F.R. § 42.100, *inter partes* review is respectfully requested for claims 10–13 and 15–16 of U.S. Patent No. RE40,520 (“the ’520 Patent”), attached hereto as Exhibit 1005.

I. MANDATORY NOTICES PURSUANT TO 37 C.F.R. § 42.8(a)(1)

Pursuant to 37 C.F.R. § 42.8(a)(1), the mandatory notices identified in 37 C.F.R. § 42.8(b) are provided below as part of this Petition.

A. 37 C.F.R. § 42.8(b)(1): Real Party-In-Interest

IBM is the real party-in-interest for Petitioner.

B. 37 C.F.R. § 42.8(b)(2): Related Matters

The ’520 Patent is currently the subject of a patent infringement lawsuit brought by the assignee of the ’520 Patent, Financial Systems Technology (Intellectual Property) Pty. Ltd. (“FST”), and its wholly-owned subsidiary and exclusive licensee to the ’520 Patent, Financial Systems Technology Pty. Ltd., against IBM, captioned *Financial Systems Technology (Intellectual Property) Pty. Ltd. et. al. v. International Business Machines Corp.*, U.S. District Court for the Northern District of Illinois, Case No. 1:11-cv-08729 (“*FST v. IBM*”). This judicial matter may affect, or be affected by, decisions made in this proceeding.

C. 37 C.F.R. § 42.8(b)(3): Lead and Back-Up Counsel

IBM provides the following designation of counsel:

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Pursuant to 37 C.F.R. § 42.10(b), a Power of Attorney accompanies this Petition. Please address all correspondence to lead and back-up counsel at the address above. IBM also consents to electronic service by email at the email addresses listed above.

II. PAYMENT OF FEES PURSUANT TO 37 C.F.R. § 42.103

The undersigned authorizes the Office to charge \$27,200 to Deposit Account No. 220440 for the fee set forth in 37 C.F.R. § 42.15(a) for this Petition for *Inter Partes* Review. Six (6) claims are being reviewed, so no excess claim fees are required. The undersigned further authorizes payment for any additional fees that might be due in connection with this Petition to be charged to the above-referenced Deposit Account.

III. GROUNDS FOR STANDING PURSUANT TO 37 C.F.R. § 42.104(A)

IBM hereby certifies that the '520 Patent is available for *inter partes* review and that IBM is not barred or estopped from requesting *inter partes* review challenging the claims of the '520 Patent on the grounds identified herein.

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