## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASTERCARD INTERNATIONAL INCORPORATED Petitioner

v.

JOHN D'AGOSTINO Patent Owner

Patent No. 8,036,988 Application No. 12/902,399 Filed: October 23, 2010 Issued: October 11, 2011 Title: System and Method for Performing Secure Credit Card Transactions

#### PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,036,988

DOCKET

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<b>GROUND 3.</b> Claims 1-10, 15-25, 27-33, & 35-38 are Anticipated Under 35 U.S.C. § 102 by Flitcroft		
<b>GROUND 4.</b> Claims 11-14, 26 & 34 are Obvious Under 35 U.S.C. § 103 by Flitcroft in View of Musmanno		
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<ul> <li>GROUND 6. Claims 1-10, 15-25, 27-33, &amp; 35-38 are Unpatentable under 35</li> <li>USC § 103 as Obvious over Flitcroft in view of a Person of Ordinary Skill in the Art</li></ul>		
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#### LIST OF EXHIBITS

- Exhibit 1001 U.S. Patent No. 8,036,988
- Exhibit 1002 File History for U.S. Patent No. 8,036,988
- Exhibit 1003 File History for U.S. Reexamination No. 90/012,517
- Exhibit 1004 U.S. Patent No. 6,422,462 ("Cohen")
- Exhibit 1005 U.S. Patent No. 6,636,833 ("Flitcroft")
- Exhibit 1006 U.S. Patent No. 5,826,243 ("Musmanno")
- Exhibit 1007 Complaint in D'Agostino v. MasterCard, Inc. et al. (13-cv-0738)
- Exhibit 1008 Declaration of Jack D. Grimes, Ph.D.
- Exhibit 1009 Excerpts from Random House Webster's Unabridged Dictionary, Second Edition
- Exhibit 1010 U.S. Patent No. 6,064,987 ("Walker")
- Exhibit 1011 U.S. Patent No. 5,283,829 ("Anderson")
- Exhibit 1012 ISO 8583 Financial Transaction Card Originated Messages Interchange Message Specifications (1992) ("ISO 8583")
- Exhibit 1013 File History for U.S. Patent No. 7,840,486

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Exhibit 1014 – Patent Trial and Appeal Board's ("PTAB") 3/7/14 CBM Decision

for U.S. Patent No. 8,036,988

Exhibit 1015 - Patent Owner's 12/24/13 Preliminary Response to Petitioner's

Request for CBM Patent Review of the '988 Patent

Exhibit 1016 – U.S. Provisional App. No. 60/079,884 ("'884 Provisional)

Exhibit 1017 – U.S. Provisional App. No. 60/099,614 ("'614 Provisional)

Exhibit 1018 - U.S. Provisional App. No. 60/098,175 ("'175 Provisional)

Exhibit 1019 – U.S. Provisional App. No. 60/092,500 ("'500 Provisional)

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