

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

Case IPR2014-00543
(Patent 8,036,988)

Title: System and Method for Performing Secure Credit Card Transactions

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Petitioner's Request for Oral Argument

Pursuant to 37 C.F.R. § 42.70(a) and the Board's September 4, 2014 Scheduling Order (Paper 9), Petitioner MasterCard International Incorporated respectfully requests oral argument on the patentability of U.S. Patent No. 8,036,988 (the "Patent-in-Suit"). MasterCard has also filed a Request for Oral Argument in the related case IPR2014-0544, and suggests that oral argument for both cases take place concurrently. MasterCard believes that a total of 1 hour for each side would be sufficient to address the issues in both cases.

Petitioner requests, without waiving consideration of any issue not listed below, argument on the following issues:

1. the Motion to Exclude filed by MasterCard concurrently with this Request for Oral Argument;
2. the proper construction of the term "single merchant limitation being included in said payment category prior to any particular merchant being identified as a single merchant";
3. whether claims 1-10, 15-25, 27-33, and 35-38 of the Patent-in-Suit are invalid in view of Cohen (U.S. Patent No. 6,422,462);
4. whether claims 11-14, 26, and 34 of the Patent-in-Suit are invalid in view of Cohen and Musmanno (U.S. Patent No. 5,826,243); and
5. any other issues specified by the Patent Owner in his Request for Oral Argument.

Petitioner's Request for Oral Argument

MasterCard respectfully requests the ability to use audio-visual equipment to display demonstrative exhibits, including the use of a projector and screen for power point display.

April 6, 2015

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 6th day of April, 2015, a complete and entire copy of PETITIONER'S REQUEST FOR ORAL ARGUMENT was served via electronic mail and Federal Express to the Patent Owner's attorneys of record at the following address:

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