

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MASTERCARD INTERNATIONAL INCORPORATED

Petitioner

v.

JOHN D'AGOSTINO

Patent Owner

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Case IPR2014-00543

Patent 8,036,988

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Before SALLY C. MEDLEY, KARL D. EASTHOM, and  
KALYAN K. DESHPANDE, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

IPR2014-00543  
Patent 8,036,988

On May 30, 2014, a conference call was held between counsel for the respective parties and Judges Medley, Easthom, and Deshpande. The involved patent in this proceeding is concurrently involved in an *ex parte* reexamination proceeding 90/012,517. The purpose of the conference call was for Patent Owner to seek authorization to file a motion to stay the *ex parte* reexamination. The request to file the motion was unopposed.

The Board considered the arguments made by the Patent Owner during the conference call, but determined that, based on the facts of this case, a stay of the *ex parte* reexamination proceeding is not warranted. As noted by the Board during the conference call, the Board has not decided whether to institute an *inter partes* review in the instant proceeding. At such a preliminary stage, it is premature to decide whether to stay the *ex parte* reexamination. Should the Board decide not to institute an *inter partes* review, any request to stay the *ex parte* reexamination would become moot. For the foregoing reasons, Patent Owner's request to file a motion to stay the *ex parte* reexamination is denied.

*Order*

It is

ORDERED that Patent Owner's request to file a motion to stay *ex parte* reexamination 90/012,517 is *denied*.

IPR2014-00543  
Patent 8,036,988

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