

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 No. IPR2014-00543  
Case No. IPR2014-00544

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**PATENT OWNER'S DEMONSTRATIVES FOR ORAL HEARING**

PATENT OWNER EXHIBIT 2010

## IPR2014-00544 Instituted Grounds U.S. 7,840,486 (“the ‘486 Patent”)

Case IPR2014-00544  
Patent No. 7,840,486

The Board has not made a final determination on the patentability of any challenged claims.

#### IV. ORDER

Accordingly, it is

ORDERED that pursuant to 35 U.S.C. § 314, an *inter partes* review is hereby instituted as to the following proposed grounds:

1. Anticipation of claims 1–15 and 22–30 by Cohen;
2. Obviousness of claims 16–21 over Cohen and Musmanno.

FURTHER ORDERED that no other grounds raised in the Petition are authorized for *inter partes* review; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(d) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; the trial commences on the entry date of this decision.

1. Anticipation of claims 1-15 and 22-30 by Cohen; and
2. Obviousness of claims 16-21 over Cohen and Musmanno.

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

UNITED STATES  
BEFORE THE  
BOARD OF  
PATENT APPEALS  
AND INTER  
PARTES  
REVIEW

Before SALLY C. MEDLER  
KALYAN K. DESHPANDE  
DESHPANDE, Administrator

# IPR2014-00543 Instituted Grounds U.S. 8,036,988 (“the ‘988 Patent”)

Case IPR2014-00543  
Patent No. 8,036,988

2. Obviousness of claims 11-14, 26, and 34 over Cohen and Musmanno.

FURTHER ORDERED that no other grounds proposed in the Petition are authorized for *inter partes* review; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 42.4, notice is hereby given of the institution of a trial; the trial shall commence on the entry date of this decision.

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1. Anticipation of claims 1-10, 15-25, 27-33, and 35-38 and 22-30 by Cohen; and
2. Obviousness of claims 11-14, 26, and 34 over Cohen and Musmanno.

Case IPR2014-00543  
Patent No. 8,036,988  
ground of unpatented prior art, the Board shall exercise our discretion under 35 U.S.C. § 42.108(a).

Patent Owner's motion to stay the determination to institute should be prepared by 9/02/2014, 5:17 PM, and the proceeding should be held on 9/15/2014.

For the foregoing reasons, the Board finds that the Petition establishes that the challenged claims are unpatentable over the prior art.

The Board has therefore

Before SALIL KALYAN K

DESHPANDI

Accordingly, the Board has ORDERED that the trial be instituted as to the following proposed grounds:

1. Anticipation of claims 1-10, 15-25, 27-33, and 35-38 by Cohen; and

# The '486 & '988 Patent, Fig. 1 depicts method of performing secured credit card purchases.

U.S. Patent

(12) **United States Patent**  
**D'Agostino**

(10) Patent No.:  
(45) Date of Patent

(54) **SYSTEM AND METHOD FOR PERFORMING SECURE CREDIT CARD PURCHASES**

(76) Inventor: **John D'Agostino**, 8237 Weymouth Dr., Sarasota, FL (US) 34236

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 11/252,009

(22) Filed: Oct. 17, 2005

(65) **Prior Publication Data**  
US 2006/0031161 A1 Feb. 9, 2006

**Related U.S. Application Data**

(63) Continuation of application No. 10/037,007, filed on Nov. 9, 2001, now abandoned, which is a continuation-in-part of application No. 09/231,745, filed on Jan. 15, 1999, now Pat. No. 6,304,526.

(51) Int. Cl. **G06Q 40/00** (2006.01)

(52) U.S. CL. **705/39**; **705/40**; **705/44**

(58) **Field of Classification Search**  
See application file for complete search history.

(56) **References Cited**  
U.S. PATENT DOCUMENTS  
5,938,091 A 2/1997 Auld et al.  
4,423,316 A 12/1983 Sato et al.  
(Continued)

FOREIGN PATENT DOCUMENTS  
CA 2167543 7/1997  
(Continued)

OTHER PUBLICATIONS  
Lee et al.: Evolutionary based credit. Evora Advanced Institute http://www.evora.ac.pt/~evora/evora/352-258.\*  
(Cont)  
Primary Examiner—Hani Ka Ashmouh Examiner—Bijandeh (74) Attorney, Agent, or Firm—Stephen Lawley LLC  
(57) **ABSTRACT**  
A method and system of purchases in the context of a request over the telephone, is generally directed upon a pre-communication with a custodial credit card company or issuing previous knowledge of the custodial control of other accounts, payment history, available supplies the custodial method identification data such as a requested one of a possible payment categories which define clause and specific, protocol which authorization by the customer wherein the customer only the transaction code to card member. The transaction identification, credit card account one of the plurality of...

30 Claims, 2 Figs.

U.S. Patent    Nov. 23, 2010    Sheet 1 of 2    US 7,840,486 B2

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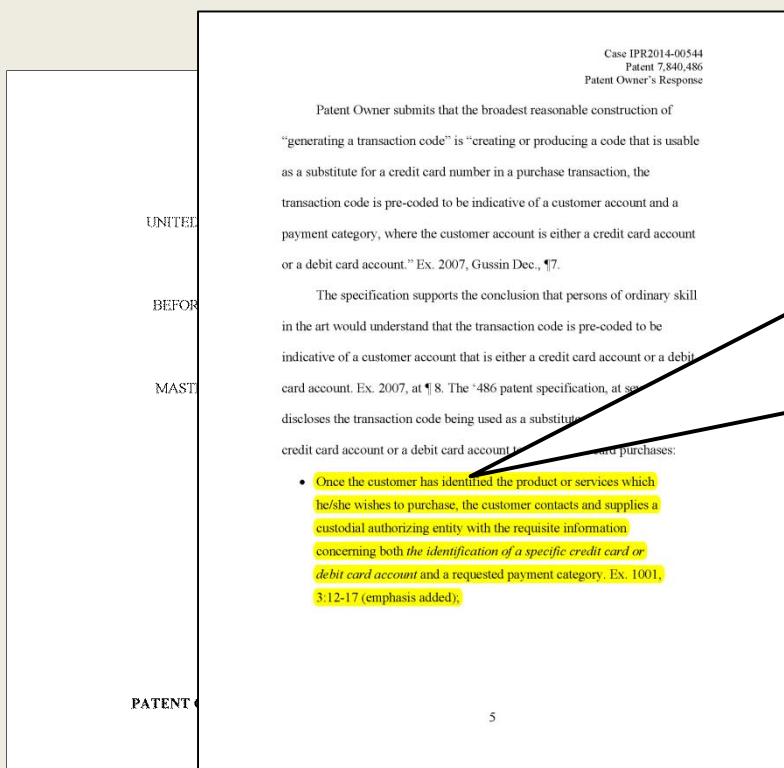
graph TD
    START([START]) --> 10[Customer Retrieves Promotional Information]
    10 --> 12[Customer Contacts Authorizing Entity]
    12 --> 14[Customer Supplies Credit Card Info. & Payment Category]
    14 --> 16{Verify Status & Identification}
    16 -- No --> 18[Contact Customer]
    18 --> 18p[Terminate]
    16 -- Yes --> 20[Generate Transaction Code]
    20 --> 22[Transmit Transaction Code To Customer]
    22 --> 24[Customer Transmits Transaction Code To Merchant]
    24 --> 26{Merchant Obtains Authorization}
    26 -- No --> 28[Inform Customer]
    28 --> 30[Terminate Transaction]
    26 -- Yes --> 32[Fill Order]
    
```

**FIG. 1**

Ex. 1002, IPR2014-00544, the '486 Patent, Fig. 1.

Ex. 1002, IPR2014-00543, the '988 Patent, Fig. 1.

# The '486 & '988 Patent describes generating a transaction code for either credit card or debit card accounts.



Once the customer has identified the product or services which he/she wishes to purchase, the customer contact and supplies a custodial authorizing entity with the requisite information concerning both the identification of a specific credit card or debit card account and a requested payment category.

P.O. Response, IPR2014-00543, at p. 5; Ex. 1001, 3:12-17.  
P.O. Response , IPR2014-00544, at p. 6, Ex. 1001, 3:17-22.

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