

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIRST DATA CORPORATION
Petitioner

v.

CARDSOFT INTERNATIONAL PTY LIMITED
Patent Owner

U.S. Patent No. 6,934,945

Filing Date: October 22, 1999

Issue Date: August 23, 2005

Title: METHOD AND APPARATUS FOR
CONTROLLING COMMUNICATIONS

Inter Partes Review No. Unassigned

PETITION FOR *INTER PARTES* REVIEW

UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *ET SEQ.*

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EXHIBIT LIST

Exhibit No.	Description
1001	Ogilvy U.S. Patent No. 6,934,945 (the “Cardsoft ‘945 Patent,”)
1002	EMV '96, Integrated Circuit Card Terminal Specification for Payment Systems, Version 3.0, June 30, 1996 (EMV '96) 102(b) prior art
1003	EUROPAY, MASTERCARD AND VISA COMPLETE FINAL PHASE OF GLOBAL CHIP CARD SPECIFICATIONS - EMV '96 Ready for release - Waterloo/New York/San Francisco, 16 July, 1996
1004	OMNI 300 Series Terminal, Programmer’s Manual, Volume 1 and Volume 2 (“OMNI 300”), 102(b) prior art)
1005	Custy US Pat. No. 5,774,879, assigned to First Data (“First Data ‘879 Patent”) 102(e) prior art
1006	Cardsoft (Assignment for the Benefit of Creditors) v. First Data Corporation Proof of Service
1007	Complaint for Patent Infringement Against First Data Corporation
1008	Claim Construction Order in Cardsoft, Inc., et al. v. VeriFone Holdings, Inc., et al., case no. 2:08-CV-98-CE

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- 1009 Declaration of Stephen Gray.
- 1010 Europay Open Terminal Architecture – A Forth-based Token
System for Payment Terminals (“OTA”) 102(b) prior art
- 1011 Agreement between VeriFone and First Data re Indemnity.
- 1012 Articles re sales of OMNI 300 series terminals.
- 1013 Declaration of Lawrence Forsley re public availability of OTA.

I. Introduction

Through counsel, real party in interest First Data Corporation (“Petitioner”) hereby petitions for initiation of *inter partes* review of U.S. Patent No. 6,934,945, entitled “Method and Apparatus for Controlling Communications” (the “Cardsoft ‘945 Patent”). Ex. 1001. The Cardsoft ‘945 Patent issued on August 23, 2005 more than nine months prior to the filing of this petition. The Cardsoft ‘945 Patent is currently asserted in a co-pending litigation, and this petition is being filed within one year of Petitioner being served with complaint for patent infringement. *See* Exs. 1006 and 1007 (Complaint and Certificate of Service). Thus, the Cardsoft ‘945 Patent is eligible for *inter partes* review.

II. Mandatory Notices

A. Real Party in Interest

The real party in interest is First Data Corporation, which is a limited liability company duly organized and existing under the laws of the state of Delaware with a principal place of business at 5565 Glenridge Connector, N.E., Suite 2000, Atlanta, Georgia 30342. We believe that VeriFone is NOT a real party in interest. VeriFone, per an indemnity with First Data, is providing the funding for this petition. However, the sole and exclusive control over this petition rests entirely with First Data. To the extent that the VeriFone indemnity agreement provided for any ability to assume control of any litigation, VeriFone has disclaimed any right

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