

IPR2014-00715  
U.S. Pat. No. 6,934,945  
Docket No.: 6601-0101L

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FIRST DATA CORPORATION  
Petitioner

v.

CARDSOFT INTERNATIONAL PTY LIMITED  
Patent Owner

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Case IPR2014-00715  
Patent 6,934,945

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**PATENT OWNER'S CARDSOFT (ASSIGNMENT FOR THE BENEFIT OF  
CREDITORS), LLC  
PRELIMINARY RESPONSE  
PURSUANT TO 37 C.F.R. § 42.107**

**TABLE OF CONTENTS**

I. INTRODUCTION .....1

II. TIME BARRED – FIRST DATA FAILED TO PROPERLY SERVE  
PETITION .....2

    A. FACTS .....2

    B. ARGUMENTS .....3

III. TIME BARRED – VERIFONE IS REAL PARTY IN INTEREST .....7

    A. VERIFONE’S INVOLVEMENT WITH FIRST DATA.....8

    B. LEGAL STANDARDS .....10

    C. VERIFONE IS AN RPI UNDER THE GUIDELINES .....11

    D. FIRST DATA CITATIONS ARE NOT CONTRARY TO RPI.....15

IV. NO REASONABLE LIKELIHOOD THAT PETITIONER WILL PREVAIL  
18

    A. THE ‘945 PATENT .....19

    B. ERRORS IN CLAIM CONSTRUCTION .....21

    C. GROUND 1 – EMV ‘96 DOES NOT ANTICIPATE .....23

    D. GROUND 2 – OMNI 300 DOES NOT CURE EMV ‘96 DEFICIENCIES.....28

    E. GROUND 3 – MORE REFERENCES BUT STILL UNOBVIOUS .....29

V. RELIEF REQUESTED – DENIAL OF TRIAL.....32

**TABLE OF AUTHORITIES**

**Cases**

*Gonzalez v. Banco Central Corp.*, 27 F.3d 751, 758 (1<sup>st</sup> Cir. 1994) ..... 10  
*In re Arkley*, 455 F.2d 586, 587 (CCPA 1972) ..... 27  
*In re Suitco Surface, Inc.*, 603 F.3d 1255, 1260 (Fed. Cir. 2010) ..... 22

**Statutes**

35 U.S.C. § 102 ..... 27  
35 U.S.C. § 312 ..... 15, 18  
35 U.S.C. § 313 ..... 1  
35 U.S.C. § 315 ..... passim

**Rules**

37 C.F.R. § 42.105 ..... 3, 4, 6, 7  
37 C.F.R. § 42.106 ..... passim  
37 C.F.R. § 42.107 ..... i, 1  
37 C.F.R. § 42.6(e)(4)(iii) ..... 4

**Other Authorities**

77 Fed. Reg. 48680, at 48688 ..... 6  
*Hewlett-Packard Co. v. MCM Portfolio, LLC*, IPR2013-00217, paper 10 ..... 17  
*In re Schlecht et al. Inter Partes Reexamination Proceeding*, Control No.  
95/001,206 ..... 16  
Office Patent Trial Practice Guide, 77 Fed. Reg. at 48,759 ..... 10, 15, 16  
*Syntroleum Corp. v. Neste Oil Oyj*, IPR2013-00178, paper 16 ..... 16  
*ZOLL Lifecor Corp. v. Philips Electronics North America Corp.*, IPR2013-00606,  
paper 13 ..... 5, 10

**EXHIBIT LIST**

The Exhibits referenced in Cardsoft (Assignment for the Benefit of Creditors), LLC's Preliminary Response are listed in the Exhibit List being filed concurrently herewith.

## I. INTRODUCTION

Patent Owner, Cardsoft (Assignment for the Benefit of Creditors), LLC's (hereinafter "Cardsoft (ABC)"), respectfully submits this Preliminary Response to the corrected petition for *inter partes* review dated May 20, 2014 ("Pet.") of U.S. Patent No. 6,934,945 (Petitioner's Ex. 1001, hereinafter "the '945 patent") filed by First Data Corp. ("First Data" or "Petitioner"). This Preliminary Response is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107(b) as it is being filed within three months of the Notice of Filing Date mailed May 07, 2014 ("Notice").

Cardsoft (ABC) believes that the Board should deny institution of this *inter partes* review for any one of three reasons. First, the petition was not timely filed due to a failure to properly serve the patent owner's address of record. The date of complete filing including proper service falls outside the one year time period of 35 U.S.C. § 315(b). Second, the petition was not timely filed because a real party in interest was not named. Including the real party in interest also makes the petition untimely under 35 U.S.C. § 315(b). Third, the grounds advanced by Petitioner do not have a reasonable likelihood of prevailing because, *inter alia*, the applied art fails to teach or suggest the claimed virtual message processor. This virtual processor is part of a claimed architecture for a virtual machine residing on a communication device. As properly construed, even Petitioner does not allege that the claimed virtual message processor is taught or suggested. As explained

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