

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Askeladden LLC
Petitioner

v.

Sean McGhie and Brian Buchheit
Patent Owner

Case IPR2015-00124
Patent 8, 540, 152

Before SALLY C. MEDLEY, *Administrative Patent Judge*

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

	Page(s)
TABLE OF AUTHORITIES	iii
LIST OF PETITIONERS' EXHIBITS.....	iv
LIST OF PATENT OWNERS' EXHIBITS.....	ix
I. CLAIM CONSTRUCTION.....	1
II. PETITION GROUNDS ARE REDUNDANT.....	2
III. PETITION 35 USC 103 GROUNDS ARE DEFICIENT....	5
IV. IMPROPER REAL PARTY OF INTEREST.....	55
V. CONCLUSION.....	59

TABLE OF AUTHORITIES

	Page(s)
CASES	
STATUTES	
35 U.S.C. §103	5, 41, 46

LISTS OF EXHIBITS
PETITIONER'S EXHIBITS

1501	U.S. Patent No. 8,523,063
1502	Declaration of Matthew Calman
1503	U.S. Patent Application Publication No. 2005/0021399 ("Postrel")
1504	U.S. Patent Application Publication No. 2002/0143614 ("MacLean")
1505	U.S. Patent No. 6,721,743 ("Sakakibara")
1506	Wayback Machine archive dated June 20, 2000, for American Express web site: "How to redeem or transfer your points online"
1507	Wayback Machine archive dated June 20, 2000, for American Express web site: "Air rewards"
1508	Wayback Machine archive dated January 4, 1997, for Citibank web site: "Citibank Cards and Services"
1509	Wayback Machine archive dated December 1, 1998, for American Express web site: "Rewards Cards"
1510	Wayback Machine archive dated June 21, 2000, for American Express

	web site: "Shopping rewards"
1511	Wayback Machine archive dated December 9, 2003, for Marriott Rewards web site: "Air Mileage"
1512	Wayback Machine archive dated November 25, 2002, for Starwood Hotels & Resorts web site: "Transfer: Airlines"
1513	Wayback Machine archive dated June 19, 2000, for United Airlines web site: "Mileage Plus partners"
1514	Wayback Machine archive dated July 17, 2004, for WebFlyer web site: "Mileage Converter"
1515	MacDonald, Jay, Experience rewards pay off for some credit card users, Bankrate.com, November 17, 2003 (available at http://www.bankrate.com/finance/credit-cards/experience-rewards-pay-off-for-some-credit-card-users-i.aspx)
1516	Claim Construction Memorandum Opinion and Order, issued September 2, 2014, in <i>Loyalty Conversion Systems Corp. v. American Airlines, Inc.</i> , Case No. 2:13-cv-00655 (E.D. Tex.)
1517	Memorandum Opinion and Order, issued September 3, 2014, in

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.