UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELTA AIR LINES, FRONTIER AIRLINES, INC., UNITED AIRLINES, INC., US AIRWAYS, INC., AND AMERICAN AIRLINES, INC.

Petitioner

v.

LOYALTY CONVERSION SYSTEMS CORPORATION Patent Owner

Case CBM2014-00096 Patent 8,511,550

Before GRACE MEDLEY, Administrative Patent Judge

PATENT OWNER'S PRELIMINARY RESPONSE



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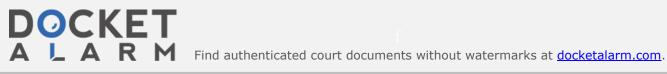


TABLE OF AUTHORITIES

CACEC	Page(s)
CASES	
Ariad Pharms., Inc. v. Eli Lilly & Co., 598 F.3d 1336 (Fed. Cir. 2010) (en banc)	19
In re Gardner, 480 F.2d 879, 879 (C.C.P.A. 1973)	19
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LISTS OF EXHIBITS

Petitioner's Exhibits

Exhibit	Description
1001	U.S. Patent No. 8,511,550
1002	U.S. Patent No. 3,083,906
1003	U.S. Patent No. 3,795,795
1004	U.S. Pat. Appl. Pub. No. 2003/0200144 to Antonucci et al.
1005	U.S. Pat. Appl. Pub. No. 2002/0143614 to Maclean et al.
1006	U.S. Patent No. 8,297,502
1007	U.S. Patent No. 7,703,673
1008	Patent File History for U.S. Patent No. 7,703,673
1009	Declaration of Sandeep Chatterjee
1010	Patent File History for U.S. Patent No. 8,511,550
1011	Transitional Program for Covered Business Method Patents – Definitions of Covered Business Method Patent and Technological Invention, 77 Fed. Reg 157 (August 14, 2012)
1012	Loyalty Conversion Systems Corp. v. US Airways, 2:13-cv-00666, Complaint
1013	Office Patent Trial Practice Guide, 77 Fed Reg. 157 (August 14, 2012)
1014	Loyalty Conversion Systems Corp. v. Delta Air Lines, 2:13-cv-00659, Complaint
1015	Loyalty Conversion Systems Corp. v. United Airlines, 2:13-cv-00665, Complaint



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