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Paper No. ____

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 CBM2014-00095
Patent 8,313,023

Patent Owner Preliminary Response

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I. Prudential and Standing Issues Why Trial Should not be Instituted

1 A petitioner has the burden of proof to establish that it is entitled to any
2 relief. 37 CFR 42.20(c).

3 The petition contains standing , statutory, and regulatory violations that
4 should result in non-institution; fails to show that any claim is unpatentable; and in
5 fact all claims are patentable. This section identifies the standing , statutory, and
6 regulatory violations.

7 (1) petition is not authorized by the named Petitioner, violating 35 USC
8 312(a)(4), and 37 CFR 42.8(a)(1) and (b)(3);

9 (2) the filer failed to comply with mandatory rules for backup counsel,
10 violating 35 USC 312(a)(4); and 37 CFR 42.8(b)(3), and 42.10(a);

11 (3) the petition fails to show with particularity where each element of the
12 claims is found in the prior art, violating 35 USC 312(a)(3) and 37 CFR
13 42.204(b)(4); and

14 (4) the petition *still* contains arguments in single spaced claim charts,
15 violating 37 CFR 42.6(a)(2)(iii) and the Notice, paper 7, page 2, lines 5-25.

16 Basis (1): The Petitioner is named at petition page 1, lines 4-8. That named
17 Petitioner is:

1 Delta Air Lines, Inc. ("Delta"), Frontier Airlines, Inc. ("Frontier"),
2 United Airlines, Inc. ("United"), *US Airways, Inc.* (US Airways), and
3 American Airlines, Inc. ("American") (collectively, "Petitioners")

4 A power of attorney by the petitioner, "as part of the petition," was mandatory.

5 There is no power of attorney in this proceeding from *US Airways, Inc.* to the
6 person signing the petition. The filing of the petition on behalf of the named
7 Petitioner was not authorized by US Airways. In CBM2015-00096, there is a
8 power filed by US Airways, but that power is ultra vires because at the time shown
9 therein that it was signed, the person that signed it was a "Managing Director" of
10 American Airlines, and no longer employed by US Airways. At least so his public
11 and private LinkedIn records show. **Exhibit (hereinafter "Ex") 2004 and Ex**
12 **2005.** See, for example, **Ex 2005**, page 1, under "Experience", stating:

13 **Managing Director & Associate General Counsel**, US Airways
14 September 2010 - February 2014 (3 years 6 months) | Washington
15 D.C. Metro Area

16 **Managing Director American Airlines** February 2014 – Present (5
17 months) | Phoenix, Arizona Area

18 **Exhibit 2006** indicates this same person is an attorney registered with the New
19 York Unified Court System.

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