

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Askeladden L.L.C.
Petitioner

v.

NEXTCARD, LLC
Patent Owner

U.S. Patent No. 7,552,080

Filing Date: March 9, 2001

Issue Date: June 23, 2009

Title: CUSTOMIZED CREDIT OFFER STRATEGY BASED ON TERMS
SPECIFIED BY AN APPLICANT

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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C. Claim 8 should be cancelled under 35 U.S.C. § 103 as being obvious over Tengel, Walker I, Nabors, and Watson (Exhibit 1011)56

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LIST OF EXHIBITS

Exhibit 1001: U.S. Patent No. 7,552,080 to Willard *et al.* (“the ’080 patent”, “Willard”)

Exhibit 1002: File History for U.S. Patent Application No. 09/802,481, which led to Willard

Exhibit 1003: Assignment History for Willard

Exhibit 1004: Attorney/Agent Correspondence Address for Willard

Exhibit 1005: Form PTO-SB/42

Exhibit 1006: U.S. Patent No. 5,940,812 to Tengel *et al.* (“Tengel”)

Exhibit 1007: U.S. Patent No. 5,794,207 to Walker *et al.* (“Walker I”)

Exhibit 1008: U.S. Patent No. 7,236,983 to Nabors *et al.* (“Nabors”)

Exhibit 1009: U.S. Patent Application No. 09/188,863 to Nabors *et al.* (“Nabors Priority Application”)

Exhibit 1010: U.S. Patent No. 5970,478 to Walker *et al.* (“Walker II”)

Exhibit 1011: U.S. Patent No. 8,271,379 to Watson (“Watson”)

Exhibit 1012: U.S. Provisional Application No. 60/111,028 to Watson (“Watson Provisional”)

Exhibit 1013: Declaration of Dr. Justin Douglas Tygar, Ph.D. (“Tygar”)

I. Introduction

Askeladden L.L.C. (“Petitioner” or “Askeladden”) hereby petitions for initiation of *inter partes* review of U.S. Patent No. 7,552,080 (“Willard”). Willard is assigned to NEXTCARD, LLC (*see* Exhibit 1003) and issued on June 23, 2009, more than nine months to the filing of this petition. Petitioner has not been served with a complaint for infringement of Willard and it is eligible for *inter partes* review.

II. Formalities

A. Real Party in Interest

Pursuant to 37 C.F.R. § 42.8(b)(1), Petitioner certifies that Askeladden is the real party-in-interest.

B. Related Matters

Petitioner is not aware of any related matters.

C. Payment of Fee

This petition is accompanied by a payment of \$23,000 and requests review of fewer than 20 claims of Willard. *See* 37 C.F.R. § 42.15. The Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 20-1430. Thus, this petition meets the fee requirements under 35 U.S.C. § 312(a)(1).

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