

**From:** [Ehmke, Andrew S.](#)  
**To:** [Trials](#)  
**Cc:** [Jonathan K. Waldrop](#); [Nekita A. Washington](#); [John Downing](#); [Andy Ehmke IPR](#); [Eugene Goryunov IPR](#); [Jon Bowser IPR](#); [Jordan Maucotel IPR](#)  
**Subject:** RE: Apple Inc. v. Fintiv, Inc., Cases IPR2023-00398 and IPR2023-00399  
**Date:** Wednesday, April 12, 2023 1:47:26 PM

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To the Honorable Board and Counsel for Patent Owner,

We are now in receipt. The original service emails were flagged as spam messages, but with this information we were able to trace and identify the correspondence. Thank you.

Accordingly, Petitioner has no objections to the April 11 filing date.

-Andrew S. Ehmke  
Counsel for Petitioner

## HAYNES BOONE

**Andrew S. Ehmke** | Partner | He/Him/His  
[andy.ehmke@haynesboone.com](mailto:andy.ehmke@haynesboone.com) | (t) +1 214.651.5116

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**From:** Nekita A. Washington <[NWashington@kasowitz.com](mailto:NWashington@kasowitz.com)>

**Sent:** Wednesday, April 12, 2023 12:32 PM

**To:** Ehmke, Andrew S. <[Andy.Ehmke@haynesboone.com](mailto:Andy.Ehmke@haynesboone.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** Jonathan K. Waldrop <[JWaldrop@kasowitz.com](mailto:JWaldrop@kasowitz.com)>; John Downing <[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)>; Andy Ehmke IPR <[andy.ehmke.ipr@haynesboone.com](mailto:andy.ehmke.ipr@haynesboone.com)>; Eugene Goryunov IPR <[Eugene.Goryunov.ipr@haynesboone.com](mailto:Eugene.Goryunov.ipr@haynesboone.com)>; Jon Bowser IPR <[Jon.Bowser.ipr@haynesboone.com](mailto:Jon.Bowser.ipr@haynesboone.com)>; Jordan Maucotel IPR <[Jordan.Maucotel.ipr@haynesboone.com](mailto:Jordan.Maucotel.ipr@haynesboone.com)>

**Subject:** RE: Apple Inc. v. Fintiv, Inc., Cases IPR2023-00398 and IPR2023-00399

**EXTERNAL:** Sent from outside Haynes and Boone, LLP

### SENT ON BEHALF OF JONATHAN K. WALDROP

To the Honorable Board and Counsel for Petitioner Apple,

Please find attached copies of the service emails that were sent on April 11, 2023.

Jonathan K. Waldrop  
Counsel for Patent Owner

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**From:** Ehmke, Andrew S. <[Andy.Ehmke@haynesboone.com](mailto:Andy.Ehmke@haynesboone.com)>

**Sent:** Wednesday, April 12, 2023 1:18 PM

**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** Jonathan K. Waldrop <[JWaldrop@kasowitz.com](mailto:JWaldrop@kasowitz.com)>; Nekita A. Washington <[NWashington@kasowitz.com](mailto:NWashington@kasowitz.com)>; John Downing <[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)>; Andy Ehmke IPR <[andy.ehmke.ipr@haynesboone.com](mailto:andy.ehmke.ipr@haynesboone.com)>; Eugene Goryunov IPR <[Eugene.Goryunov.ipr@haynesboone.com](mailto:Eugene.Goryunov.ipr@haynesboone.com)>; Jon Bowser IPR <[Jon.Bowser.ipr@haynesboone.com](mailto:Jon.Bowser.ipr@haynesboone.com)>; Jordan Maucotel IPR <[Jordan.Maucotel.ipr@haynesboone.com](mailto:Jordan.Maucotel.ipr@haynesboone.com)>

**Subject:** RE: Apple Inc. v. Fintiv, Inc., Cases IPR2023-00398 and IPR2023-00399

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To the Honorable Board,

While Patent Owner's email below indicates that it effectuated service, Petitioner's counsel received no email service of the POPRs on April 11, 2023, as provided for in the petitions.

To the extent that Patent Owner shows that it properly effectuated service through other permitted means on April 11, 2023 (of which we are not in receipt of as of yet), Petitioner would have no objections to the filing date being set for April 11, 2023. If the Board deems it necessary to have a call to discuss, Petitioner's counsel can make itself available at the Board's convenience.

Andrew S. Ehmke,  
Counsel for Petitioner Apple

## HAYNES BOONE

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**From:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Sent:** Wednesday, April 12, 2023 11:02 AM

**To:** Nekita A. Washington <[NWashington@kasowitz.com](mailto:NWashington@kasowitz.com)>

**Cc:** Jonathan K. Waldrop <[JWaldrop@kasowitz.com](mailto:JWaldrop@kasowitz.com)>; John Downing <[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)>; Andy Ehmke IPR <[andy.ehmke.ipr@haynesboone.com](mailto:andy.ehmke.ipr@haynesboone.com)>; Eugene Goryunov IPR <[Eugene.Goryunov.ipr@haynesboone.com](mailto:Eugene.Goryunov.ipr@haynesboone.com)>; Jon Bowser IPR <[Jon.Bowser.ipr@haynesboone.com](mailto:Jon.Bowser.ipr@haynesboone.com)>; Jordan Maucotel IPR <[Jordan.Maucotel.ipr@haynesboone.com](mailto:Jordan.Maucotel.ipr@haynesboone.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Subject:** RE: Apple Inc. v. Fintiv, Inc., Cases IPR2023-00398 and IPR2023-00399

**EXTERNAL:** Sent from outside Haynes and Boone, LLP

Counsel,

The Board panel assigned to these cases has reviewed Patent Owner's request (reproduced below). Counsel for Petitioner shall inform the Board via a responsive email communication, within two days, whether Petitioner objects to the Patent Owner's request for leave to file a Preliminary Response and associated exhibits, and accord them a filing date of April 11, 2023. If Petitioner does oppose, the email communication shall provide times within the following week when both parties are free to participate in a telephone conference with the Board panel to discuss the issue.

Regards,

Esther Goldschlager  
Supervisory Paralegal Specialist  
Patent Trial & Appeal Board  
U.S. Patent & Trademark Office

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**From:** Nekita A. Washington <[NWashington@kasowitz.com](mailto:NWashington@kasowitz.com)>

**Sent:** Tuesday, April 11, 2023 11:58 PM

**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** Jonathan K. Waldrop <[JWaldrop@kasowitz.com](mailto:JWaldrop@kasowitz.com)>; John Downing <[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)>;  
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[jon.bowser.ipr@haynesboone.com](mailto:jon.bowser.ipr@haynesboone.com); [jordan.maucotel.ipr@haynesboone.com](mailto:jordan.maucotel.ipr@haynesboone.com)

**Subject:** Apple Inc. v. Fintiv, Inc., Cases IPR2023-00398 and IPR2023-00399

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**SENT ON BEHALF OF JONATHAN K. WALDROP**

Dear PTAB,

We have been attempting to upload the Patent Owner's Preliminary Responses (POPRs) and associated exhibits for IPR2023-00398 and IPR2023-00399 on April 11, 2023. However, due to clerical errors the Mandatory Notice and power attorneys in both IPR proceedings are not in the system and we cannot be sure that these POPRs and respective exhibits uploaded concurrently with the Mandatory Notices tonight on April 11, 2023 are properly accepted. However, this email serves as notice to the board that we have served a copy of the POPRs and the associated exhibits to opposing counsel.

Further, we request that these two POPRs be afforded a filing date of April 11, 2023, under 37 C.F.R. § 42.6(b).

Respectfully submitted,

Jonathan K. Waldrop  
Reg. No. 50,334  
Counsel for Patent Owner

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Case Manager  
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