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Paper 36
Entered: August 26, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASTERCARD INTERNATIONAL INC.,
Petitioner,

v.

LEON STAMBLER,
Patent Owner.

Case CBM2015-00044
Patent 5,793,302

Before BRYAN F. MOORE, TRENTON A. WARD, and PETER P. CHEN, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

The Board has reviewed Patent Owner's Request for Rehearing filed in the above-captioned proceeding (Paper 33), and Petitioner's response (Paper 35) filed pursuant to our Order (Paper 34). In particular, we have reviewed both parties' arguments as to the construction in the Final Written Decision (Paper 32) of the term, "a credential being previously issued" as recited in the preamble of claim 51.

Pursuant to those arguments, and the parties' other papers filed regarding the preamble of claim 51 (Papers 30 and 31), we intend our decision on Patent Owner's Request for Rehearing to be premised on a revised construction of "a credential being previously issued" in claim 51. Under the revised construction, "a credential being previously issued" in the preamble of claim 51 means, "a credential is issued before the completion of the step of determining whether at least a portion of the funds transfer information used to generate a VAN is authentic." (This construction clarifies the distinction between claim 51 and the term "being previously issued a credential" in claim 56.)

We also hereby request further briefing from the parties as to what effect, if any, this revised claim construction has upon the proceeding.

Accordingly, Petitioner is requested to submit a brief, limited to seven (7) pages, not including the cover page or certificate of service. Petitioner is not authorized to introduce any new evidence. Any statements, explanations, or arguments presented in the brief should be supported by the current record.

Patent Owner may thereafter submit a brief limited to seven (7) pages, not including the cover page or certificate of service. Petitioner is not authorized to introduce any new evidence. Any statements, explanations, or

arguments presented in the brief should be supported by the current record.

Accordingly, it is hereby

ORDERED that Petitioner is authorized to file a brief of up to seven (7) pages, as described in this Order, by 5 p.m. ET on Tuesday, September 6, 2016; and that Patent Owner is authorized to file a brief of up to seven (7) pages, as described in this Order, by 5 p.m. ET on Friday, September 16, 2016.

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