UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

iVenture Card Travel Ltd
Petitioner

v.

Smart Destinations, Inc.
Patent Owner

Patent No. 7,765,128
CBM2016-00092

PETITIONER'S INFORMATIONAL FILING IN PLACE OF REPLY TO PATENT OWNER'S RESPONSE

INFORMATIONAL FILING

On June 17, 2016 Petitioner, iVenture Card Travel Ltd ("iVenture") filed a Petition for Covered Business Method Review of U.S. 7,765,128 ("the Petition"), Paper # 1, and on June 23, 2016 the Petition was accorded a filing date. Paper # 2. The Patent Owner, Smart Destinations Inc. ("SDI"), did not file a preliminary response, and on December 12, 2016, the Board granted institution, holding that "Petitioner has made a sufficient showing that it is more likely than not to prevail on its challenge under 35 U.S.C. § 101 to at least one of the '128 patent claims." Paper #6. The Board then issued a Scheduling Order, setting the following deadlines: Paper #7.

INITIAL CONFERENCE CALL ..... January 13, 2017 at 2 PM ET

DUE DATE 1 ..... March 13, 2017
Patent owner's response to the petition
Patent owner's motion to amend the patent

DUE DATE 2 ..... June 13, 2017
Petitioner's reply to patent owner's response to petition
Petitioner's opposition to motion to amend

DUE DATE 3……..... July 13, 2017
Patent owner's reply to petitioner's opposition to motion to amend

DUE DATE 4 ……..August 3, 2017
Motion for observation regarding cross-examination of reply witness
Motion to exclude evidence
Request for oral argument

DUE DATE 5 ..... August 17, 2017
Response to observation

Opposition to motion to exclude

DUE DATE 6 ..... August 24, 2017
Reply to opposition to motion to exclude

DUE DATE 7 ..... September 8, 2017
Oral argument (if requested)

The initial conference call occurred on January 13, 2017, as scheduled. To date the Patent Owner has not responded to the petition or filed a motion to amend the patent, both of which were due on March 13, 2017. On March 24, 2017 Patent owner emailed the Board, consistent with the Scheduling Order, stating: "If the patent owner elects not to file anything, the patent owner must arrange a conference call with the parties and the Board. The patent owner is cautioned that any arguments for patentability not raised in the response will be deemed waived." Patrick Baker responded on behalf of the Board, stating that no meeting with the Board was necessary at that time.

The Board's December 12, 2016 order found representative claim 1 more likely than not invalid under § 101. Patent Owner has not distinguished this holding. Nor has Patent Owner stated how any other claims would be patentably distinct. Therefore, Petitioner is not advancing further arguments at this time, and incorporates by reference its prior arguments that each and every claim of the '128 Patent is invalid.

Petitioner is not filing a reply to patent owner's response to petition, or an

opposition to motion to amend, which are due June 13, 2017. However, Petitioner reserves all rights to make such arguments should the procedural posture of the case change, or as required by future due dates in the case.

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2017, I caused a complete and entire copy of this Informational Filing to be served on the following attorneys of record in this proceeding.

Lead Counsel: Matthew B. Lowrie, Registration No. 38228 mlowrie@foley.com

Backup Counsel: Lucas I. Silva, Registration No. 63983 lsilva@foley.com

Backup Counsel: Daniel Rose, Registration No. 63214 drose@foley.com

_____//Kevin M. Pasquinelli_____
Kevin M. Pasquinelli
Registration No. 63,913
Kasowitz,Benson Torres LLP
333 Twin Dolphin Drive, Suite 200
Redwood Shores, CA 94065
Tel. (650) 453-5170
Attorney for the Petitioner iVenture Card Travel Ltd

CERTIFICATE OF WORD COUNT

I hereby certify that according to Microsoft Word this petition for CBM review contains 521 words, not including the table of contents, table of authorities, grounds for standing, mandatory notices, certificate of service or word count, and appendix of exhibits.

_____//Kevin M. Pasquinelli_____
Kevin M. Pasquinelli
Registration No. 63,913
Kasowitz Benson Torres LLP
333 Twin Dolphin Drive, Suite 200
Redwood Shores, CA 94065
Tel. (650) 453-5170
Attorney for Petitioner iVenture Card Travel Ltd