

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY,
INC., et al.,
Petitioner,

v.

HARVEY LUNENFELD,
Patent Owner.

Case CBM2014-00050
Patent 8,239,451 B1

Before KARL D. EASTHOM, MIRIAM L. QUINN,
FRANCES L. IPPOLITO, *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

DECISION

Petitioner's Motion to Correct Clerical Error in Petition
37 C.F.R. § 42.304(c)

The Board authorized Petitioner to file a motion to correct the Petition and requested an accompanying declaration averring the facts surrounding the alleged clerical errors being corrected. Paper 25. On July 31, 2014, Petitioner filed a motion under 37 C.F.R. § 304 to change the identification of the captioned entity “AMERICAN EXPRESS TRAVEL CO.” to “AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC.” Paper 26 (“Mot.”). According to Petitioner, the Petition should have identified “AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC.” as the real party-in-interest as that is the entity that was sued for infringement. Mot. 1; Ex. 1081. In support of its Motion, Mr. John D. Vandenberg avers that the misidentification was a typographical error. Ex. 1080. Patent Owner has not opposed the Motion.

Section 42.304(c) provides that:

A motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition.

When determining whether to grant a motion to correct a petition, the Board will consider any substantive effect. We have reviewed the Motion and supporting Exhibits 1080 and 1081. The correction sought by Petitioner appears to be the result of an uncontroverted clerical error and has no substantive effect on these proceedings.

ORDER

In light of the foregoing, it is, therefore,

ORDERED that Petitioner's Motion to Correct Clerical Error in the Petition is *granted*;

FURTHER ORDERED that Petitioner shall update its Mandatory Notices under 37 C.F.R. § 42.8 to identify the correct real party-in-interest as alleged in the Motion;

FURTHER ORDERED that Petitioner shall also update its Power of Attorney (Paper 2) to reflect the corrected real party-in-interest;

FURTHER ORDERED that the caption of all papers filed in this proceeding shall, from here on forward, reflect that AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC. is the first named entity; and

FURTHER ORDERED that Petitioner shall revise accordingly the name of the real party-in-interest in the Patent Review Processing System (PRPS).

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PETITIONER:

John D. Vandenberg
Kristen L. Reichenbach
KLARQUIST SPARKMAN, LLP
john.vandenberg@klarquist.com
kristen.reichenbach@klarquist.com

PATENT OWNER:

Cyrus A. Morton
Ryan M. Schultz
Bryan J. Mechell
ROBINS, KAPLAN, MILLER, & CIRESI LLP
CAMorton@rkmc.com
RMSchultz@rkmc.com
BJMechell@rkmc.com