

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

APPLE INC.  
*Petitioner,*

v.

UNIVERSAL SECURE REGISTRY LLC  
*Patent Owner*

---

Case IPR2018-00809  
U.S. Patent No. 9,530,137

---

**PATENT OWNER'S RESPONSE  
PURSUANT TO 37 C.F.R. § 42.120**

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. INTRODUCTION .....	1
II. OVERVIEW OF THE '137 PATENT .....	3
A. The '137 Patent Specification .....	3
B. The '137 Patent Claims .....	6
C. Prosecution History of the '137 Patent .....	8
III. OVERVIEW OF THE ASSERTED PRIOR ART .....	8
A. Jakobsson.....	8
B. Maritzen.....	10
C. Niwa .....	11
IV. LEVEL OF ORDINARY SKILL IN THE ART .....	11
V. CLAIM CONSTRUCTION .....	12
VI. STANDARD OF REVIEW.....	16
VII. JAKOBSSON AND MARITZEN DO NOT RENDER CHALLENGED CLAIMS 1, 2, 6, 7, 9, 10, OR 12 OBVIOUS.....	16
A. Petitioner Fails To Show that Independent Claims 1 and 12 Would Have Been Obvious.....	17
1. Petitioner Fails To Show Any Disclosure of Transmitting and Processing “The One Or More Signals” (Limitations 1[f], 1[h], and 12[f]).....	17
2. The Combination Fails to Disclose the Claimed “Enablement Signal” (Limitations 1[h], 1[i], 12[h], and 12[i]).....	23
B. Petitioner Fails To Show that Dependent Claim 5 Would Have Been Obvious .....	28
C. Petitioner Fails To Show that Dependent Claim 6 Would Have Been Obvious .....	30
D. Petitioner Fails To Show that Dependent Claim 7 Would Have Been Obvious .....	32

VIII. A POSITA WOULD NOT BE MOTIVATED TO COMBINE  
JAKOBSSON WITH MARITZEN .....32

IX. A POSITA WOULD NOT BE MOTIVATED TO COMBINE NIWA  
WITH JAKOBSSON AND MARITZEN .....37

X. PETITIONER AND ITS EXPERT FAILED TO CONSIDER THE  
STRONG EVIDENCE OF SECONDARY CONSIDERATIONS OF  
NON-OBVIOUSNESS.....38

    A. Long-felt Need and Failure of Others .....39

    B. Commercial Success.....42

XI. CONCLUSION.....44

**TABLE OF AUTHORITIES**

<u>Cases</u>	<u>Page(s)</u>
<i>Apple Inc. v. Int’l Trade Comm’n</i> , 725 F.3d 1356 (Fed. Cir. 2013) .....	39
<i>Apple Inc. v. Samsung Elecs. Co. Ltd.</i> , 816 F.3d 788 (Fed. Cir. 2016) .....	40
<i>Cuozzo Speed Techs., LLC v. Lee</i> , 136 S. Ct. 2131 (2016).....	12
<i>Heidelberger Druckmaschinen AG v. Hantscho Commercial Prods., Inc.</i> 21 F.3d 1068 (Fed. Cir. 1994) .....	40
<i>In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.</i> , 676 F.3d 1063 (Fed. Cir. 2012) .....	38
<i>In re Rijckaert</i> , 9 F.3d 1531 (Fed. Cir. 1993) .....	28
<i>Kinetic Concepts, Inc. v. Smith &amp; Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012) .....	33
<i>KSR Int’l Co. v. Teleflex, Inc.</i> , 550 U.S. 398 (2007).....	33
<i>Light Guard Systems, Inc. v. Spot Devices, Inc.</i> , 2012 WL 2131943 (D. Nev. 2012).....	13
<i>Medgraph, Inc. v. Medtronic, Inc.</i> , 843 F.3d 942 (Fed. Cir. 2016) .....	13
<i>Merck &amp; Co., Inc. v. Teva Pharm. USA, Inc.</i> , 395 F.3d 1364 (Fed. Cir. 2005) .....	24
<i>Samsung Elecs. Co., Ltd. v. Infobridge Pte. Ltd.</i> , IPR2017-00100, Paper No. 30 at 15 (PTAB Apr. 23, 2018) .....	16
<i>SAS Inst., Inc. v. Iancu</i> , 138 S. Ct. 1348 (2018).....	21
<i>Square, Inc. v. Cooper</i> , IPR2014-0015, slip op. 30 (May 15, 2014).....	37
<i>Stratoflex, Inc. v. Aeroquip Corp.</i> , 713 F.2d 1530 (Fed. Cir. 1983) .....	39

*Trivascular, Inc. v. Samuels*,  
812 F.3d 1056 (Fed. Cir. 2016) .....16

*ZTE Corp. v. ContentGuard Holdings, Inc.*, IPR2013-00137, Paper 58  
(PTAB July 1, 2014).....29

**Statutory Authorities**

35 U.S.C. § 314(a) .....16

35 U.S.C. § 316(e) .....1, 16

**Rules and Regulations**

37 C.F.R. § 42.100(b) .....12

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.