

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

UNIVERSAL SECURE REGISTRY, LLC,

Patent Owner.

Case IPR2018-00813

U.S. Patent No. 9,100,826

**DECLARATION OF DR. VICTOR SHOUP IN SUPPORT OF
PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

Apple 1118
Apple v. USP

Contents

I. INTRODUCTION	1
II. LEGAL PRINCIPLES	2
A. Claim Construction.....	2
B. Obviousness	2
C. Secondary Considerations.....	4
III. OPINIONS	5
A. USR’s Proposed Claim Constructions Are Overly Narrow And Inconsistent With BRI.	5
1. Contrary to USR’s Argument, “Biometric Information” Is An Example Of “Authentication Information.”	5
2. USR’s Construction For “Enabling Or Disabling” A Device Is Unduly Narrow.	8
B. Claims 1, 2, 10, 11, 21, 22, 24, 27, 30, And 31 Are Anticipated By Jakobsson.	10
1. Jakobsson Discloses A Second Processor Configured To “Receive Or Retrieve” Second Authentication Information.	10
C. Claims 7, 14, 26, And 34 Are Obvious Over Jakobsson In View of Verbauwheide and Maritzen.	15
1. Jakobsson In View Of Maritzen Discloses “Enabling Or Disabling” A Device.	15
2. It Would Have Been Obvious To Combine Jakobsson With Maritzen’s Teachings On “Enabling or Disabling” A Device.....	16
3. It Would Have Been Obvious To Combine Jakobsson And Maritzen Because The Differences Identified By USR Are Superficial.	18
4. Jakobsson In View Of Verbauwheide Discloses Comparing Information To Conduct An Authentication.....	23
5. It Would Have Been Obvious To Combine Jakobsson With Verbauwheide.	25
D. Claims 8 and 15 Are Obvious In View Of Jakobsson And Gullman.	27
1. Gullman Discloses A First Device Configured To Store Biometric Information For A Second Plurality Of Users.	27
2. It Would Have Been Obvious To Combine Jakobsson With Gullman. ..	28

E. USR Fails To Demonstrate Secondary Considerations Of Non-Obviousness.29

IV. CONCLUSION34

V. AVAILABILITY FOR CROSS-EXAMINATION34

VI. RIGHT TO SUPPLEMENT34

VII. JURAT35

I, Victor Shoup, Ph.D., declare as follows:

I. INTRODUCTION

1. I have been retained by Apple to provide opinions in this proceeding relating to U.S. Patent No. 9,100,826 (“’826 patent”). I submit this Declaration to address and respond to the arguments made in Patent Owner’s Response and the declaration submitted by Dr. Jakobsson in support of the Patent Owner’s Response.

2. My background and qualifications are summarized in my previous declaration (Ex-1102) and my curriculum vitae is attached thereto as Appendix A.

In preparing this Declaration, I have reviewed the following materials and the relevant exhibits cited in each of these filings:

- Petition (“Pet.”) (Paper 3) and the exhibits cited therein
- Decision on Institution (Paper 9) (“DI”)
- Patent Owner’s Response (“POR”) (Paper 18) and the exhibits cited therein
- Declaration of Markus Jakobsson In Support Of POR (“Jakobsson-Decl.”)
- Conditional Motion to Amend (Paper 19) (“CMTA”)
- Declaration of Markus Jakobsson In Support of CMTA
- Transcript of March 20, 2019 deposition of Markus Jakobsson (“Jakobsson-Dep.”) (Exhibit 1117)
- Declaration of Dr. Ari Juels In Support Of Petitioner’s Reply (Ex-1120)

II. LEGAL PRINCIPLES

3. I am not an attorney. For purposes of this Declaration, I have been informed about certain aspects of the law that are relevant to my analysis and opinions.

A. Claim Construction

4. I have been informed that claim construction is a matter of law and that the final claim construction will be determined by the Board.

5. I have been informed that the claim terms in an IPR review should be given their broadest reasonable construction in light of the specification as commonly understood by a person of ordinary skill in the art (“POSITA”). I have applied this standard in my analysis.

B. Obviousness

6. I have been informed and understand that a patent claim can be considered to have been obvious to a POSITA at the time the application was filed. This means that, even if all the requirements of a claim are not found in a single prior art reference, the claim is not patentable if the differences between the subject matter in the prior art and the subject matter in the claim would have been obvious to a POSITA at the time the application was filed.

7. I have been informed and understand that a determination of whether a claim would have been obvious should be based upon several factors, including, among others:

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.