UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

FIRSTFACE CO., LTD.,

Patent Owner.

Case IPR2019-00613[1]

U.S. Patent No. 9,633,373

DECLARATION OF BENJAMIN B. BEDERSON IN SUPPORT OF PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

[1] Case IPR2019-01011 has been consolidated with this proceeding.

TABLE OF CONTENTS

I. PRIOR TESTIMONY 1

II. MATERIALS REVIEWED 2

III. THE PERSON OF ORDINARY SKILL IN THE RELEVANT FIELD IN THE RELEVANT TIMEFRAME 2

IV. CLAIM INTERPRETATION 2

V. SUMMARY OF THE RELEVANT PRIOR ART 3

A. Griffin (Ex. 1027) 3

B. Goertz (Ex. 1013) 3

C. Davis (Ex. 1015) 4

D. iOS (Ex. 1007) 5

VI. CLAIMS 1-2, 4-6, 10-14, and 18 OF THE '373 PATENT ARE UNPATENTABLE 6

A. Ground 1: Griffin in View of Davis and iOS Renders Obvious Claims 1-2, 4-6, 10-14, and 18 of the '373 Patent 6

1. The Combination of Griffin and iOS Discloses an Activation Button Separate From a Power Button 7

2. The Combination of Griffin and Davis Discloses Turning on the Display and Initiating a Fingerprint Authentication Function in Response to a One-Time Pressing of the Activation Button 9

a. The Claims Are Not Limited to a Single Step or a Single User Action for Pressing the Activation Button and Scanning a Fingerprint 9

b. The Combination of Griffin and Davis Discloses a "One-Time Pressing of the Activation Button" That Turns on the Touch Screen Display and "Initiates" the Fingerprint Authentication Function 17

3. A POSITA Would Have Been Motivated to Combine Griffin, Davis, and iOS 23

B. Ground 2: Goertz in View of Davis and iOS Renders Obvious Claims 1-2, 4-6, 10-14, and 18 of the '373 Patent 27

1. The Combination of Goertz and iOS Discloses an Activation Button Separate From a Power Button 28

2. The Combination of Goertz and Davis Discloses Turning on the Display and Initiating a Fingerprint Authentication Function in Response to a One-Time Pressing of the Activation Button 32

a. The Claims Are Not Limited to a Single Step or a Single User Action for Pressing the Activation Button and Scanning a Fingerprint 32

b. The Combination of Goertz and Davis Discloses a "One-Time Pressing of the Activation Button" That Turns on the Touch Screen Display and "Initiates" the Fingerprint Authentication Function 33

3. A POSITA Would Have Been Motivated to Combine Goertz with the Teachings of Davis 34

VII. CONCLUSION 38

I, Benjamin B. Bederson, have previously been asked to testify as an expert witness in this action. As part of my work in this action, I have been asked by Apple, Inc. ("Petitioner") to respond to certain assertions offered by Firstface Co., Ltd. ("Patent Owner") in connection with U.S. Patent No. 9,633,373 ("'373 patent") in IPR2019-00613 and IPR2019-01011. I hereby declare:

I. PRIOR TESTIMONY

1. I am the same Benjamin B. Bederson who provided Declarations in this consolidated proceeding, executed on January 23, 2019, as Exhibit 1003 in IPR2019-00613 ("First Declaration") and executed on April 24, 2019, as Exhibit 1003 in IPR2019-01011 ("Second Declaration"), which, including their appendices, are incorporated by reference herein in their entirety.[2] My qualifications and the circumstances of my engagement were detailed in ¶¶2-15 and Appendix A of my First Declaration.

2. I offer statements and opinions on behalf of Petitioner, generally regarding the validity, prior art, and obviousness considerations, and understanding of a person of ordinary skill in the art ("POSITA") as it relates to the '373 patent.

[2] IPR2019-01011 specifically addressed the invalidity of the limitations of dependent claims 10 and 18 of the '373 patent. Since those arguments and analyses do not appear to be in dispute at this stage of this consolidated proceeding, except by virtue of being dependent on the disputed independent claim, references to my prior statements will reference my IPR2019-00613 First Declaration unless stated otherwise.

3. I offer this declaration in rebuttal to the arguments raised by the Declaration of Dr. Alfred C. Weaver (Ex. 2001).

II. MATERIALS REVIEWED

4. In connection with my study of the POR and supporting declarations and reaching the conclusions stated herein, I have reviewed a number of additional documents. In addition to those mentioned in my previous declaration, I have reviewed the following additional documents:

- Declaration of Dr. Alfred C. Weaver and its accompanying exhibits; and
- All other documents referenced herein (see Appendix A).

5. My opinions are also based upon my education, training, research, knowledge, and personal and professional experience.

III. THE PERSON OF ORDINARY SKILL IN THE RELEVANT FIELD IN THE RELEVANT TIMEFRAME

6. My opinion regarding a person of ordinary skill in the art is discussed in my First Declaration, and my opinions are the same. Ex. 1003 ¶¶25-30.

IV. CLAIM INTERPRETATION

7. As stated in my First Declaration, I understand the claims under their ordinary and customary meaning as would be understood by a POSITA. Ex. 1003 ¶49.

DOCKET ALARM

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.