

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FINTIV, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§

Civil Action No.: 6:18-CV-372-ADA

JURY TRIAL DEMANDED

APPLE INC.'S OPENING CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

TABLE OF CONTENTS **i**

TABLE OF AUTHORITIES **ii**

TABLE OF ACRONYMS..... **iv**

I. THE '125 PATENT **1**

 A. The SK C&C Provisional Applications 1

 B. Admissions from the Specification Background 3

 C. The Problems to be Solved 3

 D. Summary of the Patent..... 4

 1. The Server Side..... 4

 2. The Mobile Device Side. 7

II. LEGAL STANDARD..... **9**

III. ARGUMENT **9**

 A. The Disputed Terms Require Construction 9

 B. “Wallet Management Applet (WMA)” (claims 11 and 13)..... 10

 C. “Widget” (claims 11, 18, and 23) 16

 D. “Mobile Wallet Application” (claims 11, 18, and 23) 20

 E. “SE Information” (claims 14 and 23) 23

 F. “Mobile Device Information” (claims 14, 18, and 23) 25

 G. “Over-the-Air (OTA) Proxy” (claim 23) and “OTA Proxy” (claim 16) 26

 H. “Provision[ing]” (claims 11 and 23)..... 30

IV. CONCLUSION..... **30**

TABLE OF AUTHORITIES

<i>In re Abbott Diabetes Care, Inc.</i> , 696 F.3d 1142 (Fed. Cir. 2012).....	13, 14, 18, 22
<i>Advanced Display Sys., Inc. v. Kent State Univ.</i> , 212 F.3d 1272 (Fed. Cir. 2000).....	9
<i>Affinity Labs of Texas, LLC v. Clear Channel Broad., Inc.</i> , No. 12-cv-205-LY, 2014 WL 1699063 (W.D. Tex. Apr. 29, 2014).....	19, 24
<i>Alberta Telecommunications Research Ctr. v. AT & T Corp.</i> , No. 09-cv-3883-PGS, 2012 WL 3286053 (D.N.J. Aug. 10, 2012)	11
<i>Express Mobile, Inc. v. Svanaco, Inc.</i> , No. 17-cv-00130-JRG-RSP, 2018 WL 746472 (E.D. Tex. Feb. 7, 2018).....	19, 24
<i>In re Google Litig.</i> , No. 08-cv-3172-RWM, 2011 U.S. Dist. LEXIS 98469 (N.D. Cal. Aug. 31, 2011)	17
<i>Interval Licensing LLC v. AOL, Inc.</i> , 766 F.3d 1364 (Fed. Cir. 2014).....	11
<i>Intervet Inc. v. Merial Ltd.</i> , 617 F.3d 1282 (Fed. Cir. 2010).....	11
<i>Iridescent Networks, Inc. v. AT&T Mobility, LLC</i> , No. 2018-1449, 2019 WL 3770833 (Fed. Cir. Aug. 12, 2019)	11, 13, 20
<i>O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.</i> 521 F.3d 1351 (Fed. Cir. 2008).....	10, 20
<i>Oatey Co. v. IPS Corp.</i> , 514 F.3d 1271 (Fed. Cir. 2008).....	14
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005).....	9, 11
<i>TQP Dev., LLC v. Merrill Lynch & Co., Inc.</i> , No. 08-cv-471, 2012 WL 1940849 (E.D. Tex. May 29, 2012) (Bryson, J.).....	10, 16
<i>Trustees of Columbia Univ. in City of New York v. Symantec Corp.</i> , 811 F.3d 1359 (Fed. Cir. 2016).....	9
<i>Vitronics Corp. v. Conceptoronic, Inc.</i> , 90 F.3d 1576 (Fed. Cir. 1996).....	9, 26

Whirlpool Corp. v. TST Water, LLC,

No. 2:15-cv-1528-JRG, 2016 WL 3959811 (E.D. Tex. July 22, 2016)10, 16, 23

TABLE OF ACRONYMS

CCA: Contactless Card Applet
NFC: Near Field Communications
MNO: Mobile Network Operator
OTA: Over-the-Air
POS: Point of Sale
SE: Secure Element
SP: Service Provider
TSM: Trusted Service Manager
WMA: Wallet Management Applet
WMS: Wallet Management System

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.