

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

FINTIV, INC.

Patent Owner

U.S. Patent No. 8,843,125

Original Issue Date: September 23, 2014

Title: SYSTEM AND METHOD FOR MANAGING MOBILE WALLET AND
ITS RELATED CREDENTIALS

Case No. IPR2020-00019

**APPLE INC.'S SUPPLEMENTAL FILING REGARDING THE
DISTRICT COURT'S CONSTRUCTION OF "OTA PROXY"**

LISTING OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 8,843,125 to Kwon et al.
1002	File History of U.S. Patent No. 8,843,125 to Kwon et al.
1003	Declaration of Dr. Clifford Neuman
1004	U.S. Patent Publication No. 2010/0138518 to Aiglstorfer et al.
1005	U.S. Patent Publication No. 2010/0190437 to Buhot
1006	eWallet: Users Guide and Reference: Version 5.0, Ilium Software (Nov. 2007) (available at https://web.archive.org/web/20071110033509/http://www.iliumsoft.com/gh/download/doc/eWallet.pdf)
1007	Excerpt from the File History of U.S. Patent No. 8,646,056 to Poplett
1008	CN101459902A to Wang et al.
1009	English translation of CN101459902A to Wang et al. and associated translator declaration
1010	[Reserved]
1011	U.S. Patent No. 6,832,373 to O'Neill
1012	Provisional U.S. Patent App. No. 61/428,846
1013	Provisional U.S. Patent App. No. 61/428,851
1014	Provisional U.S. Patent App. No. 61/428,852
1015	Provisional App. No. 61/428,853
1016	Apple's Opening Claim Construction Brief from <i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:18-cv-00372 (W.D. Tex.), Dkt. 71.

Exhibit	Description
1017	Plaintiff Fintiv, Inc.’s Opening Claim Construction Brief from <i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:18-cv-00372 (W.D. Tex.), Dkt. 72.
1018	Apple’s Responsive Claim Construction Brief from <i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:18-cv-00372 (W.D. Tex.), Dkt. 74.
1019	Plaintiff Fintiv, Inc.’s Responsive Claim Construction Brief from <i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:18-cv-00372 (W.D. Tex.), Dkt. 75.
1020	Apple’s Reply Claim Construction Brief from <i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:18-cv-00372 (W.D. Tex.), Dkt. 76.
1021	Plaintiff Fintiv, Inc.’s Reply Claim Construction Brief from <i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:18-cv-00372 (W.D. Tex.), Dkt. 77.
1022	Agreed Scheduling Order Subsequent to Case Management Conference from <i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:18-cv-00372 (W.D. Tex.), Dkt. 38.
1023	Swick et al., “The X Toolkit: More Bricks for Building User-Interfaces—or-Widgets For Hire,” published in USENIX Winter 1988.
1024	Excerpt from Underdahl, “iPAQ™ for Dummies®” (2004) and associated Library of Congress Certification
1025	Excerpt from Peacock, “Windows® CE, Clear & Simple” (1999) and Associated Library of Congress Certification
1026	Excerpt from McPherson, “How to Do Everything with Your Pocket PC” (2nd Ed. 2002) and Associated Library of Congress Certification
1027	Claim Construction Order from <i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:18-cv-00372 (W.D. Tex.), Dkt. 86.
1028	U.S. Patent Publication No. 2012/0095852 to Bauer et al.

Exhibit	Description
1029	ISO/IEC 7816-4 Standard, First Edition (Sept. 1, 1995) as submitted on May 9, 2006 in an IDS for U.S. Pat. App. 10/471,883
1030	ISO/IEC 7816-4 Standard, First Edition (Sept. 1, 1995) and Second Edition (Jan. 15, 2005) as submitted on April 6, 2009 in an IDS for U.S. Pat. App. 12/376,360
1031	ISO/IEC 14443-4 Standard, First Edition (Feb. 2, 2001)
1032	ISO/IEC 14443-4 Standard (July 13, 2000) as submitted on Feb. 1, 2005 in an IDS for U.S. Pat. App. 10/937,084

As authorized in Paper 6, Petitioner Apple Inc. respectfully submits the district court's *Markman* ruling (Ex. 1027) for U.S. Pat. 8,843,125 in *Fintiv, Inc. v. Apple Inc.*, Case No. 6:18-cv-00372 (W.D. Tex.) and addresses how the prior art satisfies the "OTA proxy" limitation as construed by the district court.

Apple's IPR Petition applied the prior art under the claim constructions proposed by each party in district court. The district court, however, construed one term—"OTA proxy"—in a manner that was not proposed by either party. The district court construed "OTA proxy" as "software, in connection with relevant hardware, that provisions contactless card applets, captures mobile device information (including SE information), transmits data (mobile device and SE specific information) to the TSM system, and receives APDU commands from the TSM and appropriately forwards them." (Ex. 1027 at 32.)

Apple respectfully submits that its construction should be applied in this proceeding, as explained in Apple's Petition. (Paper 1, Petition at 20.) Nevertheless, even if the district court's construction were adopted, it is rendered obvious by the prior art.

I. The District Court's Construction

OTA proxy appears in claims 23 and 16. Most of the district court's construction merely repeats other limitations of claim 23 which already requires that the OTA proxy is configured to "provision the contactless card applet,"

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