

Chart A-3

Invalidity Contentions: Patent No. 8,843,125

Fintiv, Inc. v. Apple Inc., Case No. 1:19-CV-1238-ADA (W.D. Tex.)

Invalidity of U.S. Patent No. 8,843,125 by U.S. Patent Publication No. 2010/0138518 A1 (“Aiglstorfer”)

REFERENCE: U.S. Patent Publication No. 2010/0138518 A1 (“Aiglstorfer”) was filed on November 18, 2009 and published on November 18, 2009. Aiglstorfer is prior art to the ’125 patent under at least 35 U.S.C. § 102(a). All emphasis is added unless otherwise indicated.

'125 Patent Claim 11	Disclosure
11. A method for provisioning a contactless card applet in a mobile device comprising a mobile wallet application, the method comprising:	<p>To the extent the preamble is limiting, Aiglstorfer, as evidenced by the example citations below, discloses a contactless card applet in a mobile device comprising a mobile wallet application, at least as this language is used in <i>Fintiv</i>, and as the term “provisioning” has been construed by the Court to have its plain and ordinary meaning is “making available for use.”</p> <p><i>See e.g.:</i></p> <ul style="list-style-type: none">• Aiglstorfer at Abstract (“A method for downloading information from a remote server. The portable device, banking card information for an account and storing the banking card information within the portable device. Responsive to the receiving, a first moblet software module automatically sends a message to the remote server to inform the remote server of the banking card information being stored on the portable device. The portable device may receive a second moblet software module associated with the banking card information. The portable device may subsequently execute the second moblet software module which utilizes the banking card information.”)

¹ To the extent that these Invalidity Contentions rely on or otherwise embody particular constructions of terms or phrases in the Asserted Claims as ordered by the Court in this action, Defendant is not proposing any such constructions as proper constructions of those terms or phrases and reserves the right to propose alternative claim construction positions in this and other proceedings. Various positions put forth in this document are predicated on Plaintiff’s incorrect and inconsistent claim constructions as evidenced by its Preliminary Infringement Contentions, dated May 20, 2019 and proposed Amended Infringement Contentions, dated August 14, 2019 (collectively, the “Infringement Contentions” or “Preliminary Infringement Contentions”). Those positions are not intended to and do not necessarily reflect the true and proper scope of Plaintiff’s claims, and Defendant reserves the right to adopt claim construction positions that differ from or even conflict with those positions in this document.

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	<p>wherein the first and second moblet software modules comprise device independent commands wherein further the commands are executed by a device dependent software module also residing on the device;</p> <ul style="list-style-type: none"> • Aiglstorfer at paragraph [0008] (“It is advantageous to combine the functionality of a conventional credit card with an electronic device to create an electronic wallet to enable a user to interact with an account associated with the electronic device. In one embodiment, the electronic wallet can be used as a credit card in an easy-to-use fashion which is as convenient as using a credit card as an electronic device. It is advantageous and important that the financial information be stored on the device in a secure manner that may be transparent to the user. It will become apparent to those skilled in the art from the description of the present invention that the embodiments of the present invention provide the following advantages.”). • Aiglstorfer at paragraph [0009] (“According to one embodiment, the electronic wallet implemented on the device includes downloading information from a remote server. The electronic wallet may be implemented on any portable electronic device.”). • Aiglstorfer at paragraph [0027] (“Referring now to FIG. 1, an exemplary system 100 for downloading information to an electronic wallet comprising a removable security element in accordance with one embodiment of the present invention is shown. The system 100 includes an electronic device 110 which may be any portable electronic device such as a PDA, a wallet, a cellular phone, a personal digital assistant (PDA), etc., a trusted service manager (TSM) 130.”). • Aiglstorfer at Fig. 1:

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	<p>The diagram, labeled FIGURE 110, illustrates a MOJAX ENVIRONMENT (115) within an electronic device (110). The environment contains several components: a FIRST MOBLET SOFTWARE MODULE (106), a TRUSTED SECURE AGENT (TSA) (102), and a REMOVABLE SECURITY ELEMENT (104). The TSA (102) is connected to the Removable Security Element (104) and receives 'A first banking card information 105' and 'A second banking card information 113'. The TSA (102) also sends 'A first banking card information 105' and 'A second banking card information 113' to the First Moblet Software Module (106). The First Moblet Software Module (106) is connected to a REMOTE SERVER (130) and sends a 'Request for a First Moblet Software Module 101'. The Remote Server (130) provides a 'First Moblet Software Module 103' to the First Moblet Software Module (106). The Remote Server (130) also sends 'Notification 109', 'Second Moblet Software Module 111', and 'Notification 111' to the First Moblet Software Module (106). The Remote Server (130) also sends 'Third Moblet Software Module 117' and 'Third Moblet Software Module 119' to the First Moblet Software Module (106). The First Moblet Software Module (106) is also connected to a TRUSTED MANAGEMENT SYSTEM (120) and sends 'Notification 107' and 'Notification 115' to it. The First Moblet Software Module (106) is also connected to a SECOND MOBLET SOFTWARE MODULE (108) and a THIRD MOBLET SOFTWARE MODULE (112).</p> <ul style="list-style-type: none"> • Aiglstorfer at paragraph [0034] (“The TSM 120 may transmit a first banking card information (TSA) 102 that resides on the electronic device 110. The first banking card information 105 identity of the user corresponding to the first banking card information is verified and authentication has a Bank of America account and the identity of the user is verified and authenticated, the associated with the Bank of America account of the user may be transmitted to the electronic device 110.”) • Aiglstorfer at paragraph [0036] (“The TSA 102 stores the first banking card information 105 in the removable security element 104 in response to receiving the first banking card information 105. The TSA 102 notifies the first moblet software module 106 that the first banking card information has been received and is stored in the removable security element 104. The first moblet software module 106 may in turn notify 109 the remote server 130.”) • Aiglstorfer at paragraphs [0030] - [0031] (“The remote server 130 may provide various applications 103 to the first moblet software module 106 of the electronic device 110. For example, the remote server 130 may provide a first moblet software module 106 of the electronic device 110.”)

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	<p>110 that may in turn manage additional moblet software modules. It is appreciated that moblet software modules operating within the MOJAX environment are device generic.</p> <p>It is appreciated that the first moblet software module 106 may be installed during manufacturing of the electronic device 110. Alternatively, the first moblet software module 106 may be requested 101 from the remote server 130 and downloaded. The request 101 may indicate a device type of the electronic device 110. In response to the request 101, the remote server 130 may transmit 103 the first moblet software module 106 to the electronic device 110. Alternatively, responsive to the request 101, the remote server 130 may also transmit 103 a device dependent software module 103 to the electronic device 110, to the electronic wallet. It is appreciated that in one embodiment the device dependent software module 103 is transmitted during manufacturing of the electronic device 110.”).</p> <ul style="list-style-type: none"> • Aiglstorfer at paragraph [0044] (“Referring now to FIG. 2, an exemplary system 200 for downloading software modules to an electronic wallet comprising a non-removable security element in accordance with one embodiment is shown. The system 200 includes an electronic device 210, e.g., an electronic wallet, a cellular network 220, a service manager (TSM) 220 and a remote server 230. It is appreciated that the TSM 220 and the remote server 230 are similar to the TSM 120 and the remote server 130 already described above with respect to FIG. 1.”). • Aiglstorfer at Fig. 2:

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Disclosure
<p style="text-align: right;">FIGURE 4</p> <ul style="list-style-type: none"> • Aiglstorfer at paragraph [0060] (“FIG. 4 illustrates an exemplary component architecture for a mobile wallet 410 in accordance with embodiments of the present invention. As shown, a mobile wallet 410 contains a selection of a plurality of other moblet software modules, e.g., moblets 420 a-420 h. Moblet 410 provides a wide range and variety of financial services and applications such as banking applications, coupon applications, credit card applications, etc. A wallet moblet is a moblet that runs with a MOJAX core 430. The MOJAX core may be device specific, but since it operates on all moblets, the moblets themselves may be written in a device-independent syntax that is only appreciated that the component architecture shown in FIG. 4 represents a software hierarchy on a portable computer system as described herein.”). • Aiglstorfer at Fig. 4:

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