

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"><li>• 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.”)</li></ul> |

<sup>1</sup> To the extent that these Invalidity Contentions rely on or otherwise embody particular constructions of terms or phrases in the Asserted Claims as construed 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 improper construction of the claims 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.

Chart A-3

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| '125 Patent Claim 11 | Disclosure  |
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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"> <li>• Aiglstorfer at paragraph [0008] (“It is advantageous to combine the functionality of a conventional device to create an electronic wallet to enable a user to interact with an account associated with the 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 an electronic device. It is advantageous and important that the financial information be 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.”).</li> <li>• 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 a portable electronic device.”).</li> <li>• 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 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.”).</li> <li>• Aiglstorfer at Fig. 1:</li> </ul> |

'125 Patent Claim 11

Disclosure

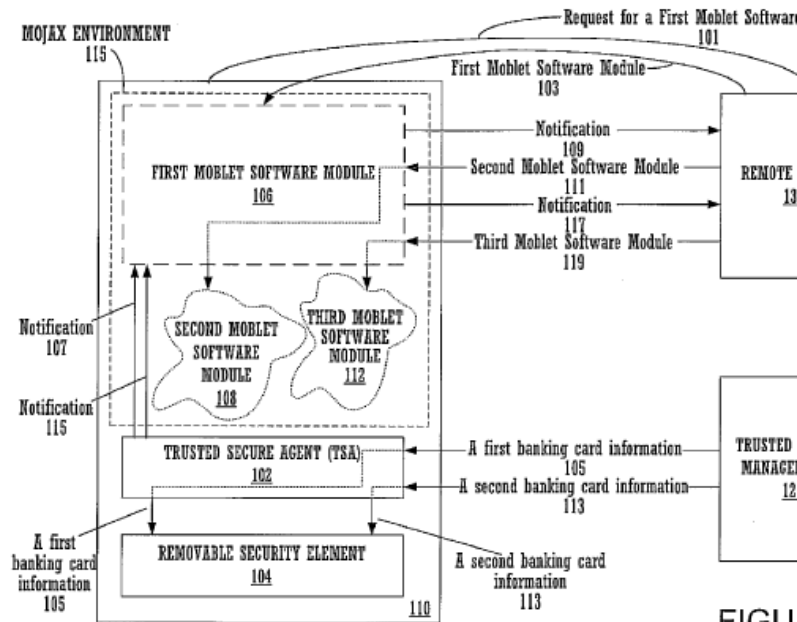


FIGURE 1

- Aiglstorfer at paragraph [0034] (“The TSM 120 may transmit a first banking card information 105 to the TSA 102 that resides on the electronic device 110. The first banking card information 105 may include a user identity of the user corresponding to the first banking card information 105. If the user identity is verified and authenticated, the user may have a Bank of America account and the identity of the user is verified and authenticated, the first banking card information 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 may notify 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 101 to the electronic device 110. For example, the remote server 130 may provide a first moblet software module 106 of the first moblet software module 106.”)

| '125 Patent Claim 11 | Disclosure   |
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|                      | <p>110 that may in turn manage additional moblet software modules. It is appreciated that moblets may be installed on a device in a MOJAX environment operating on a device. According to one embodiment, MOJAX is a system of 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. Responsive to the request 101, the remote server 130 may also transmit 103 a device dependent software module to the electronic device 110, to the electronic wallet. It is appreciated that in one embodiment the device dependent software module is installed during manufacturing of the electronic device 110.”).</p> <ul style="list-style-type: none"> <li>• 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.”)</li> <li>• Aiglstorfer at Fig. 2:</li> </ul> |

| '125 Patent Claim 11 |
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| <p style="text-align: right;">FIGURE 4</p> <ul style="list-style-type: none"> <li>• 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 an operating system. It is appreciated that the first moblet 410 and all other moblets 420 a-420 h operate within a MOJAX environment 430. The MOJAX core may be device specific, but since it operates on a portable computer system, 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.”).</li> <li>• Aiglstorfer at Fig. 4:</li> </ul> |

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