UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC., Petitioner

v.

RFCyber Corp.

U.S. Patent No. 8,118,218

IPR2021-00957

PETITION FOR *INTER PARTES* REVIEW UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104



TABLE OF CONTENTS

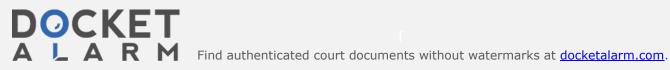
I.	INTE	RODUCTION		
II.	MANDATORY NOTICES			
	A.	Real Party-in-Interest	8	
	B.	Related Matters	8	
	C.	Lead and Back-up Counsel and Service Information	9	
III.	GRO	UNDS FOR STANDING	10	
IV.	BAC	SACKGROUND ON MOBILE DEVICES AND SMART CARDS10		
V.	THE '218 PATENT			
	A.	Summary of the '218 Patent	10	
	B.	Prosecution History of the '218 Patent	12	
VI.	LEV	EL OF ORDINARY SKILL IN THE ART	12	
VII.	CLAIM CONSTRUCTION			
	A.	"emulator"	13	
VIII.		IEF REQUESTED AND THE REASONS FOR THE UESTED RELIEF	14	
IX.	IDEN	NTIFICATION OF GROUNDS	14	
X.	THE	BOARD SHOULD INSTITUTE INTER PARTES REVIEW	14	
	A.	The challenges presented in this petition are not cumulative to prosecution of the '218 Patent	14	
	B.	The Fintiv factors favor institution	15	
		1. Factor 1 is neutral (Possibility of a Stay)	15	



		2.	Factor 2 is neutral (proximity of trial date to final written decision)	. 16
		3.	Factor 3 favors institution (investment in parallel proceeding)	. 17
		4.	Factor 4 favors institution (overlap in issues)	. 19
		5.	Factor 5 is neutral (overlap in parties)	. 19
		6.	Factor 6 favors institution (other circumstances).	. 19
XI.	IDE	NTIFIC	CATION OF HOW THE CLAIMS ARE UNPATENTABLE	20
	A.	Grou	nd 1: Claims 1-18 are obvious over Staib and Chan	. 20
		1.	Summary of Staib	. 20
		2.	Summary of Chan	. 21
		3.	Reasons to Combine Staib and Chan	. 24
		4.	Claim 1	. 28
		5.	Claim 2	. 47
		6.	Claim 3	. 49
		7.	Claim 4	. 53
		8.	Claim 5	. 55
		9.	Claim 6	. 57
		10.	Claim 7	. 58
		11.	Claim 8	. 64
		12.	Claim 9	. 66
		13.	Claim 10	. 66



	14.	Claim 11	68
	15.	Claim 12	73
	16.	Claim 13	73
	17.	Claim 14	74
	18.	Claim 15	74
	19.	Claim 16	75
	20.	Claim 17	75
	21.	Claim 18	75
XII.	CONCLUS	SION	76
CER	ГІГІСАТЕ С	OF WORD COUNT	77
CER'	TIFICATE C	OF SERVICE	78



Petitioner's Exhibit List

GOOG-1001	U.S. Patent No. 8,118,218
GOOG-1002	Prosecution History of U.S. Patent No. 8,118,218
GOOG-1003	Declaration of Stephen Gray under 37 C.F.R. § 1.68
GOOG-1004	Curriculum Vitae of Stephen Gray
GOOG-1005	U.S. Patent Pub. No. 2005/0222961 by Staib et al. ("Staib")
GOOG-1006	U.S. Patent No. 7,628,322 to Holtmanns et al. ("Holtmanns")
GOOG-1007	U.S. Patent No. 6,481,632 to Wentker et al. ("Wentker")
GOOG-1008	U.S. Patent No. 6,005,942 to Chan et al. ("Chan")
GOOG-1009	U.S. Patent No. 7,699,233 to Pesonen ("Pesonen")
GOOG-1010	U.S. Patent No. 6,367,011 to Lee et al. ("Lee")
GOOG-1011	Wolfgang Rankl & Wolfgang Effing, Smart Card Handbook (Kenneth Cox trans., John Wiley & Sons Ltd., 3d ed. 2002) ("Smart Card Handbook")
GOOG-1012	Complaint for Patent Infringement, RFCyber Corp. v. Google LLC et al., 2:20-cv-00274 (E.D. Tex. Aug. 21, 2020)
GOOG-1013	Affidavits of Service in <i>RFCyber Corp. v. Google LLC et al.</i> , 2:20-cv-00274 (E.D. Tex.)
GOOG-1014	Sample Docket Control Order
GOOG-1015	Email from RFCyber's attorney requesting an extension of the due date for infringement contentions
GOOG-1016	Motion for extension of deadlines filed in the district court case on April 27, 2021
GOOG-1017	Junko Yoshida, "Chip Makers Still Uncertain of Plunge into NFC," <i>Electronic Engineering Times</i> 6 (Nov. 15, 2004)



DOCKET A L A R M

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.

