IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Bank of America, N.A. Petitioner,

v.

Nant Holdings IP, LLC, Patent Owner.

Case No. IPR2021-01389 U.S. Patent No. 9,031,278

PETITION FOR *INTER PARTES* REVIEW OF CLAIMS 1 AND 3–5 OF U.S. PATENT NO. 9,031,278



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	;	a. Preamble: "A computer-assisted method, comprising:"	30
		b. "receiving, via a mobile device, an image comprising a representation of at least a portion of a document;"	
		c. "determining that symbolic content is on the at least the portion of the document based on the image;"	
		d. "extracting symbol information based on the symbolic content according to symbol type;"	33
		e. "determining a validity of the document based at least in part on the image and the symbol information; and"	34
	•	f. "recognizing the document as a first target object based at least in par on the image, the symbol information, and a query of a database storing target object information associated with a plurality of target objects	t



		including the first target object;"	36
		g. "receiving, via an address, first target object information associated with the first target object, wherein the first target object information comprises a response regarding the validity of the document."	40
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TABLE OF ABBREVIATIONS AND CONVENTIONS

Bank of America Bank of America. N.A.

or Petitioner

Patent Owner

Board Patent Trial and Appeal Board

Bolle Ex. 1006: U.S. Patent No. 5,546,475, entitled "Produce

Recognition System" to Rudolf M. Bolle, et al.

IPR inter partes review

NantWorks or Nant Holdings IP, LLC

Ex. 1005: U.S. Patent No. 6,512,919, entitled "Electronic Ogasawara

Shopping System Utilizing a Program Downloadable

Wireless Videophone" to Nobuo Ogasawara

POSITA person of ordinary skill in the art

Rhoads Ex. 1022: U.S. Patent No. 6,947,571, entitled "Cell Phones

With Optical Capabilities, and Related Applications" to

Geoffrey B. Rhoads, et al.

the '260 patent Ex. 1032: U.S. Patent No. 5,862,260, entitled "Methods for

Surveying Dissemination of Proprietary Empirical Data" to

Geoffrey B. Rhoads

the '278 patent Ex. 1001: U.S. Patent No. 9,031,278

USPTO or Office

United States Patent and Trademark Office

xx:yy–*zz* column xx, lines yy to zz



TABLE OF AUTHORITIES

Page(s) Cases Ancora Technologies, Inc v. TCT Mobile (US), Inc., Case No. 8:19-cv-02192-GW(ADSx), Doc. 65, 6 (C.D. Cal. Nov. Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)......passim Apple, Inc. v. SEVEN Networks, LLC, IPR2020-00156, Paper 10 (P.T.A.B. June 15, 2020)54, 58, 59 BlackBerry Ltd. v. Facebook, Inc., Case No. 2:18-cv-01844-GW(KSx), Doc. 652 (C.D. Cal. Feb 13, 2020)57 Callaway Golf Co. v. Acushnet Co., Genentech, Inc. v. Hospira, Inc., Google LLC v. Pers. Audio, LLC, Mformation Techs., Inc. v. Rsch. in Motion Ltd., Nantworks, LLC and Nant Holdings IP, LLC v. Bank of America Corporation and Bank of America, N.A., 2-20-cv-07872 (C.D. Cal.).....59, 60 Powell v. Home Depot U.S.A., Inc., 663 F.3d 1221 (Fed. Cir. 2011), overruled on other grounds by Sand Revolution II, LLC v. Continental Intermodal Group-Trucking LLC, IPR2019-01393, Paper 24 (P.T.A.B. June 16, 2020)53, 54



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