

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner

v.

PROXENSE, LLC
Patent Owner

IPR2021-01448
Patent No. 10,698,989

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 10,698,989
UNDER 35 U.S.C § 312 AND 37 C.F.R. § 42.104**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	MANDATORY NOTICES	2
	A. Grounds for Standing (37 C.F.R. § 42.104(a))	2
	<u>B. Real Party in Interest</u>	3
	<u>C. Related Matters</u>	3
	<u>D. Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3)) and Service Information (37 C.F.R. § 42.8(b)(3)-(4))</u>	3
	<u>E. Payment of Fees (37 C.F.R. § 42.15(a))</u>	4
III.	LEVEL OF SKILL IN THE ART	4
III.	IDENTIFICATION OF CHALLENGE AND RELIEF REQUESTED	5
IV.	OVERVIEW OF THE '989 PATENT	5
	A. Prosecution History	6
V.	CLAIM CONSTRUCTION	7
VI.	CITED ART.....	8
	A. Scott (WO1999056429)	8
	B. Lapsley (US2001/0000535)	9
	C. Berardi (US7239226)	9
	D. Shreve (US2002/0109580).....	10
	E. Kinoshita (US2003/0055792)	10
	F. Enablement.....	11

VII. DISCRETIONARY FACTORS	11
A. 35 U.S.C. § 325(d) Does Not Favor Denial	11
B. 35 U.S.C. § 314(a) Does Not Favor Denial	13
VII. DETAILED EXPLANATION OF GROUNDS FOR INVALIDITY	19
A. Ground 1: Claims 1-9 are rendered obvious by Scott and Lapsley. ..	19
B. Ground 2: Claims 1-9 are rendered obvious by Berardi, Shreve, and Kinoshita.	37
VIII. SECONDARY CONSIDERATIONS	53
IX. CONCLUSION.....	54

EXHIBIT LIST

No.	Exhibit
1001	U.S. Patent No. 10,698,989
1002	File History for U.S. Patent No. 10,698,989
1003	Declaration of Andrew Wolfe, Ph.D.
1004	Curriculum vitae of Andrew Wolfe, Ph.D.
1005	International App. No. WO 1999056429 to Scott et al.
1006	Intentionally Left Blank
1007	U.S. Patent Pub. No. 2001/0000535 A1 to Lapsley et al.
1008	Intentionally Left Blank
1009	Intentionally Left Blank
1010	U.S. Patent No. 7,239,226 B2 to Berardi et al.
1011	Intentionally Left Blank
1012	U.S. Patent Pub. No. 2002/0109580 A1 to Shreve et al.
1013	U.S. Patent Pub. No. 2003/0055792 A1 to Kinoshita et al.
1014	“Applied Cryptography—Protocols, Algorithms, and Source Code in C” (1996) by Schneier
1015	Declaration of Sylvia Hall-Ellis, Ph.D.
1016	Intentionally Left Blank

LIST OF CHALLENGED CLAIMS

Claim	U.S. Patent No. 10,698,989
1pre	A method comprising:
1A	receiving, at a smartphone, an identification (ID) code from a third-party trusted authority, the ID code uniquely identifying the smartphone among a plurality of smartphones;
1B	persistently storing biometric data and the ID code on the smartphone,
1C	wherein the biometric data is one selected from a group consisting of facial recognition, a fingerprint scan, and a retinal scan of a legitimate user;
1D	receiving, at the smartphone, scan data from a biometric scan using the smartphone;
1E	comparing, using the smartphone, the scan data to the biometric data;
1F	determining whether the scan data matches the biometric data; and
1G	responsive to a determination that the scan data matches the biometric data, wirelessly sending, from the smartphone, the ID code for comparison by the third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority,
1H	a transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code,
1I	wherein the transaction being completed includes accessing one or more from a group consisting of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.
2	The method of claim 1, further comprising: Receiving a request for biometric verification, and responsive to a determination that the scan data does not match the biometric data, indicating the smartphone cannot verify the scan data as being from the legitimate user, the smartphone does not send the ID code.
3	The method of claim 1, wherein completing the transaction includes accessing an application.
4	The method of claim 1, wherein the transaction being completed



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.