UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

RFCYBER CORP.,

Patent Owner.

Patent No. 9,189,787 Filing Date: May 28, 2013 Issue Date: November 17, 2015

Inventors: Liang Seng Koh, Futong Cho, Hsin Pan, and Fuliang Cho Title: METHOD AND APPARATUS FOR CONDUCTING E-COMMENCE AND M-COMMENCE

PATENT OWNER'S PRELIMINARY RESPONSE

Case No. IPR2022-00412



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Gen. Plastic Indus. Co. v. Canon Kabushiki Kaisha, IPR2016-01357, Paper 19 (P.T.A.B. Sept. 6, 2017)	22
Graham v. John Deere Co. of Kansas City, 383 U.S. 1 (1966)	10
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	11
LG Elecs., Inc. v. Bell N. Research, LLC, IPR2020-00108, Paper 14 (P.T.A.B. May 20, 2020)	10
Lyft, Inc. v. Quartz Auto Techs., LLC, IPR2020-01450, Paper 7 (P.T.A.B. Mar. 4, 2021)	19
Next Caller Inc. v. TrustID, Inc., IPR2019-00961, -00962, Paper 10, at 8-16 (P.T.A.B. Oct. 16, 2019)	23
NHK Spring Co. v. Intri-Plex Techs., Inc., IPR2018-00752, Paper 8 (P.T.A.B. Sept. 12, 2018)	22
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