

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner

v.

CPC PATENT TECHNOLOGIES PTY, LTD.,

Case IPR2022-00600

U.S. Patent No. 8,620,039

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**NOTICE OF SUPPLEMENTAL AUTHORITY**

The Federal Circuit recently held in *Sanofi-Aventis Deutschland GmbH v. Mylan Pharmaceuticals Inc.*, Case: 21-1981 (May 9, 2023 Fed. Cir.) that the determination of analogousness of a prior art reference is compared to the challenged patent and not another prior art reference. *Sanofi-Aventis*, Slip Op., p. 13. CPC previously disputed Apple’s combinations of *Bradford* with *Foss* (arguing the references are directed at “wholly different industries”) and with *Yamane* (distinguishing *Bradford*’s “casino machine” from *Yamane*’s “highly portable storage medium”). (Paper 12, 18, 23-24). Apple previously noted CPC’s obviousness legal analyses are incorrect. (Paper 13, 23-26). *Sanofi-Aventis* confirms Apple’s position is correct.

Respectfully submitted,

ERISE IP, P.A.

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**CERTIFICATION OF WORD COUNT**

The undersigned certifies pursuant to 37 C.F.R. § 42.24 that the foregoing Notice Of Supplemental Authority, excluding any certificates of service or word count, contains 888 words according to the word-processing program used to prepare this document (Microsoft Word).

Dated: May 23, 2023

*/s/ Jennifer C. Bailey*

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*ATTORNEY FOR PETITIONER*

**CERTIFICATE OF SERVICE ON CPC**

**UNDER 37 C.F.R. § 42.6**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on May 23, 2023, the foregoing *NOTICE OF SUPPLEMENTAL AUTHORITY* was served via electronic filing with the Board and via Electronic Mail on the following practitioners of record for CPC:

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