

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

CPC PATENT TECHNOLOGIES PTY LTD.,  
Patent Owner

---

IPR2022-00600  
Patent 8,620,039 B2

---

RECORD OF ORAL HEARING  
Held: July 18, 2023

---

BEFORE: SCOTT A. DANIELS, AMBER L. HAGY and  
FREDERICK C. LANEY, Administrative Patent Judges.

IPR2022-00600  
Patent 8,620,039 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JENNIFER C. BAILEY, ESQUIRE  
ERISE IP, P.A.  
Kansas City  
7015 College Blvd. Ste. 700  
Overland Park, KS 66211

ON BEHALF OF THE PATENT OWNER:

GEORGE SUMMERFIELD, ESQUIRE  
K&L GATES LLP  
70 W Madison St # 3100  
Chicago, IL 60602

The above-entitled matter came on for hearing on July 18, 2023,  
commencing at 1:00 p.m., via video teleconference.

P R O C E E D I N G S

- - - - -

1  
2  
3 JUDGE DANIELS: Good afternoon, everyone. It's Tuesday, July  
4 18th, and we have this afternoon our final hearing for IPR202200600, Apple  
5 versus CPC Patent Technologies. Welcome. I'm Judge Daniels. Today  
6 with me here are Judges Hagy and Laney. If we could get the parties'  
7 appearances, please, and let's start with Petitioner, Apple?

8 MS. BAILEY: Good afternoon, Your Honor. My name is Jennifer  
9 Bailey. I have here with me today my co-counsel, Adam Seitz, and we are  
10 from the law firm of Arise IP. Also with us today is in-house counsel from  
11 Petitioner Apple, Inc., Garrett Sakimae.

12 JUDGE DANIELS: Thank you. Ms. Bailey, are you doing all of  
13 the presentation?

14 MS. BAILEY: Yes, Your Honor.

15 JUDGE DANIELS: Okay, great. And for CPC, who do we have?

16 MR. SUMMERFIELD: Good afternoon, Your Honor. George  
17 Summerfield. I'll be arguing on behalf of the patent owner. With me are  
18 Darlene Ghavimi and Jonah Heemastra, and we have a summer associate  
19 joining us today, Sydney Duncan. We are all with the firm of K&L Gates.

20 JUDGE DANIELS: Great. And Mr. Summerfield, you're going  
21 to do the whole presentation?

22 MR. SUMMERFIELD: Yes, Your Honor, I will.

23 JUDGE DANIELS: All right. Great. So good afternoon to  
24 everybody, and let's just talk about the procedure real quickly, and then  
25 we'll get on with the oral arguments. Each party has 45 minutes of total

1 time to do their arguments. You can allocate your time however you choose.  
2 Just tell me how much time you want to reserve for rebuttal. Just as a  
3 caveat, please refer to any of the exhibits, when you bring it up -- or  
4 whatever you're referring to, I guess. We're not going to see what you bring  
5 up. We have your demonstratives in front of us, so we just want to make  
6 sure we're on the same page as you all.

7           So I think -- you know, I think we can just go ahead and get  
8 started. Petitioner has the burden, so Ms. Bailey, you'll go first, and then  
9 Mr. Summerfield, you can present your response. Both parties can reserve  
10 some rebuttal time, so let me know what that is, Ms. Bailey, and I will keep  
11 track of it on my -- I'd urge you all to keep track of it too, but I'll keep track  
12 of it on my phone, and I'll let you know. And the panel is also usually open,  
13 if we ask a lot of questions -- and we do have some questions today. We've  
14 had some good discussions about your really good briefs. So if we need to,  
15 we can give everybody a little more time, and we'll be fair about it if  
16 necessary. All right. Ms. Bailey, how much time would you like to reserve?

17           MS. BAILEY: Fifteen minutes, Your Honor.

18           JUDGE DANIELS: All right. You can start when you're ready.

19           MS. BAILEY: Thank you, Your Honors, and may it please the  
20 Board. Thank you for indicating that you do have questions today. I always  
21 like to begin argument stating that if there are particular issues that you  
22 would like me to discuss first, please just let me know. I'm happy to jump  
23 around and out of order from the demonstratives. Moving first to  
24 Petitioner's demonstrative two, there are 4 claims challenged, claims 1  
25 through 2 and 19 through 20. The claims do rise and fall together.

26           We also have a single ground for all 4 claims, of Bradford, Foss,

1 and Yamane. There are two proposed, relatively simple modifications to  
2 Bradford. First, Foss is used to retrieve a user record using card information  
3 during an enrollment process. Bradford already teaches retrieving a user  
4 record using card information during a verification process, so Foss is used  
5 just to explain for an enrollment process. And then Yamane is used to  
6 utilize a flag indicating the binary presence or absence of fingerprint data  
7 stored in memory.

8           Turning to demonstrative 3, it is claim 1 of the 039 Patent, and I  
9 want to note a couple of things right out of the gate here. The claim requires  
10 receiving hard information, but note that the claim doesn't say how the card  
11 information is received. And indeed, the 039 Patent has embodiments where  
12 the card is swiped, or where the -- I should say the card information is  
13 received by swiping the card, or the card information is received wirelessly  
14 from a key fob. I refer the Board to the 039 Patent, column 7, lines 30  
15 through 31. The claim also doesn't recite that this claim step of receiving  
16 the card information is the first time the card information is received by the  
17 system. The claim merely requires that the card information is received, and  
18 it's that that is defining the memory location, dependent on that received  
19 card information.

20           JUDGE DANIELS: So Ms. Bailey, the reason you're asserting  
21 that is because of Patent Owner's argument that these claims, that this -- that  
22 claim 1 has a specific order; is that correct?

23           MS. BAILEY: Not quite, Your Honor. So let me talk about the  
24 order, and then let me explain our argument.

25           JUDGE DANIELS: Okay.

26           MS. BAILEY: We do agree that the defining limitation says

# 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.