

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
U.S. Patent No. 8,620,039 B2

Before SCOTT A. DANIELS, AMBER L. HAGY and
FREDERICK C. LANEY, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Apple Inc., (“Apple” or “Petitioner”) filed a Petition requesting *inter partes* review (“IPR”) of claims 1, 2, 19, and 20 of U.S. Patent No. 8,620,039 B2 (Ex. 1001, “the ’039 patent”). Paper 1 (“Pet”). CPC Patent Technologies PTY, Ltd, (“CPC” or “Patent Owner”) filed a Preliminary Response to the Petition. Paper 7 (“Prelim. Resp.”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the arguments and evidence presented by Petitioner and Patent Owner, we are persuaded that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. *See* 35 U.S.C. § 314(a). Accordingly, we institute an *inter partes* review of the challenged claims.

A. *Real Parties in Interest*

Petitioner states that Apple Inc. is the real party in interest. Pet. 57. Patent Owner states that CPC Patent Technologies PTY, LTD is the real party in interest. Paper 3.

B. *Related Matters*

The parties indicate that the ’039 patent has been asserted against Petitioner in *CPC Patent Technologies PTY Ltd. v. Apple Inc.*, Case No. 6:21-cv-00165, in the U.S. District Court for the Western District of Texas. Pet. 57; Paper 3.

Petitioner indicates that it has filed additional petitions for *inter partes* review challenging two other patents held by Patent Owner, IPR2022-00601 for U.S. Patent No. 9,269,208, and IPR2022-00602 for U.S. Patent No. 9,665,705. Pet. 57.

C. *The '039 Patent (Ex. 1001)*

The '039 patent, titled “Card Device Security Using Biometrics,” relates to a biometric card pointer (BCP) system intended to more efficiently and securely permit a user to store biometric information during an enrollment process, and in future verification processes access their account using an identification (ID) card and biometric information such as a fingerprint. Ex. 1001, 2:51–3:11.

The '039 patent explains that in the enrollment phase “[t]he card user’s biometric signature is automatically stored the first time the card user uses the verification station in question (this being referred to as the enrolment phase).” *Id.* at 2:62–64. The '039 patent explains further that “[t]he biometric signature is stored at a memory address defined by the (‘unique’) card information on the user’s card as read by the card reader of the verification station.” *Id.* at 2:64–67. Following the enrollment phase, the '039 patent describes that

[a]ll future uses (referred to as uses in the verification phase) of the particular verification station by someone submitting the aforementioned card requires the card user to submit both the card to the card reader and a biometric signature to the biometric reader, which is verified against the signature stored at the memory address defined by the card information thereby determining if the person submitting the card is authorised to do so.

Id. at 3:4–11.¹ For both enrollment and future uses, the use of the ID card at a verification station “is identical from the card user’s perspective, requiring

¹ The words “enrolment,” “authorise,” and “authorisation” are the British spellings of “enrollment,” “authorize,” and “authorization.” *See, e.g.,* <https://www.merriam-webster.com/dictionary/authorisation>, last visited

merely input of the card to the card reader, and provision of the biometric signature ([e.g.] thumb print or retinal scan etc.) to the biometric reader.” *Id.* at 3:12–15.

Figure 4 of the '039 patent is reproduced below.

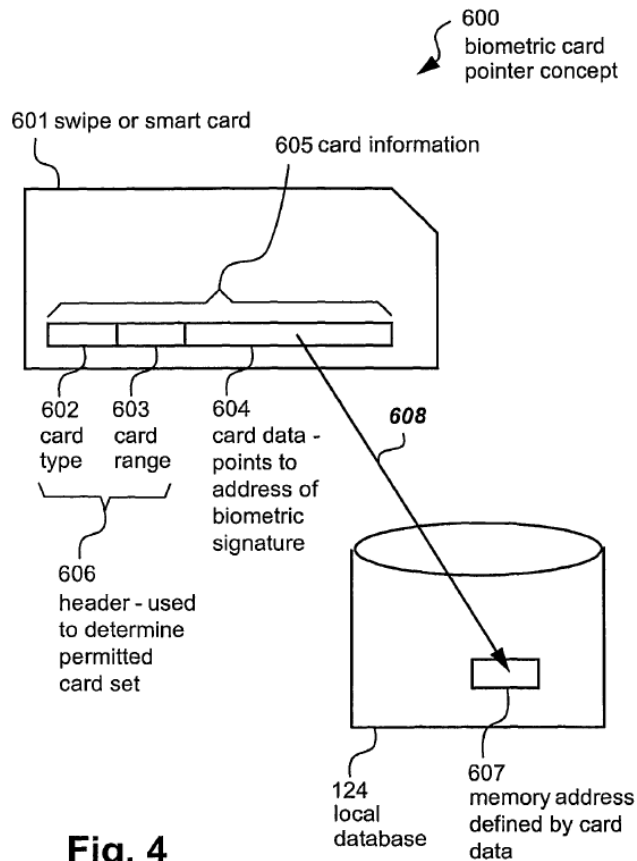


Fig. 4

Figure 4, of the '039 patent, above, illustrates swipe or smart card 601 including card information 605 encompassing fields for card type 602, card range 603, and card data 604. The '039 patent describes that “the card data 604 acts as the memory reference which points, as depicted by an arrow 608,

Sept. 23, 2022. We will use the American spelling of these words except where quoted from the '039 patent.

to a particular memory location at an address 607 in the local database 124.” *Id.* at 7:31–35. Information 605 can be encoded on a magnetic strip on the card, for example. *Id.* at 7:28–29. The ’039 patent explains that for a specific user “[i]n an initial enrolment phase, . . . [t]he card data 604 defines the location 607 in the memory 124 where their unique biometric signature is stored.” *Id.* at 7:43–49. And, the ’039 patent explains further that “in later verification phases, . . . [t]his signature is compared to the signature stored at the memory location 607 in the memory 124, the memory location 607 being defined by the card data 604 read from their card 601 by the card reader 112.” *Id.* at 7:50–56.

Figures 6 and 7, reproduced below, depict the differences between enrollment process 207 shown in Figure 7 and verification process 205 shown in Figure 6.

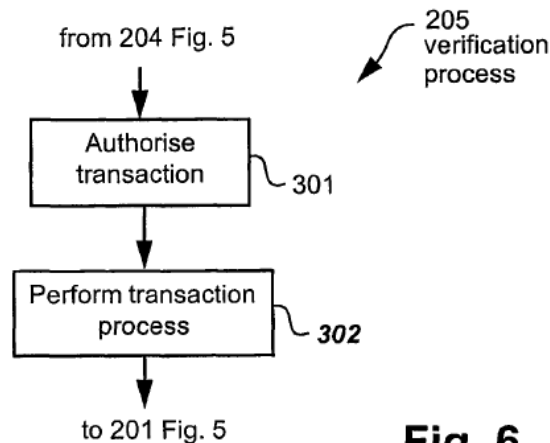


Fig. 6

Figure 6, above, illustrates verification process 205, which occurs after the enrollment process, illustrated, below, in Figure 7.

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