IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

CPC PATENT TECHNOLOGIES PTY LTD,	§
Plaintiff	§
	§ CASE NO. 6:21-CV-00165-ADA
-v-	§
	§
APPLE INC.,	§
Defendant	§

CLAIM CONSTRUCTION ORDER

The Court provides the following claim constructions for U.S. Patent Nos. 9,269,208 (""208 Patent); 8,620,039 ("'039 Patent"); and 9,665,705 ("'705 Patent") after considering the parties' briefs and oral argument held February 10, 2022. Dkt. Nos. 46, 49, 52. The Court enters its final constructions for each term:

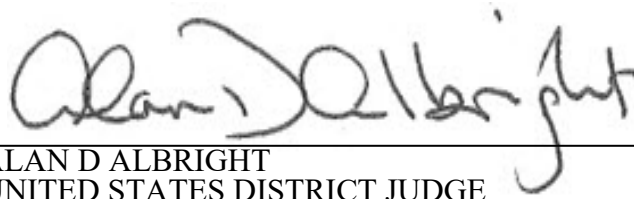| NO.	Claim Term	Court's Final Construction
1	"biometric card pointer system" '039 Patent Cls. 1, 19	Nonlimiting preamble term with no patentable weight.
2	"biometric card pointer enrollment system" '039 Patent Cl. 13	Nonlimiting preamble term with no patentable weight.
3	"means for defining, dependent upon the received card information, a memory location in a local memory external to the card"	Means plus function language pursuant to section 112. The function of this limitation is "defining, dependent upon the received card information, a memory location in a local memory external to the card." Structure corresponding to the claimed means is a computer system with a processor executing an application

	'039 Patent, Cl. 13	that uses any segment of card information 605 from a card 601 (1) as a memory reference as shown in Fig. 4 or (2) to determine a group of associated memory references or 3) all equivalents of (1) and (2). Structure is found in '039 Patent, col. 6, line 66 – col. 7, line 23; col. 7, lines 31-35, 39-42, 47-48; col. 8, lines 44-46; col. 11, lines 29-37; col. 12, lines 1-9; Fig. 4.
4	"means for storing, if the memory location is unoccupied, the biometric signature at the defined memory location"	Means plus function language pursuant to section 112. Function: storing, if the memory location is unoccupied, the biometric signature at the defined memory location. Structure: a computer system with a processor unit 105 running software process(es) 401 and at least one of: a storage device 109 or memory 106. Structure is found in '039 Patent, col. 6, line 66 – col. 7, line 23; col. 5, lines 13-18 & lines 19-22 & 23-30; Fig. 7, step 401.
5	"being characterized according to/determining/determine at least one of the number of said entries and a duration of each said entry" '208 Patent Cls. 1, 9, 10 '705 Patent Cls. 1, 10, 11, 14, 15, 16, 17	"being characterized according to/determining/determine" is given its plain and ordinary meaning. The Court rejects the proposal to construe these words as "identifying and storing…" "at least" modifies "one of the number of said entries." The claim additionally requires "a duration of each said entry."[1]
6	"biometric signature" '208 Patent, Cls. 1, 9, 11; '705 Patent, Cls. 1, 11, 12, 14, 15, 17	Plain and ordinary meaning.
7	"accessibility attribute" '208 Patent, Cls. 1, 9, 10;	"attribute that establishes whether and under which conditions access to the controlled item should be granted to a user"

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[1] Both parties' arguments found support in case law and in and the specification, but Apple's argument found further support in the prosecution history.

	'705 Patent, Cls. 1, 10, 11, 14, 15, 16, 17	
8	"collocated" '705 Patent, Cl. 9	Plain and ordinary meaning (which is not "occurring in conjunction with").
9	"means for mapping said series into an instruction" '208 Patent, Cls. 1, 9	Means plus function language pursuant to section 112. The function of this limitation is "mapping said series into an instruction." Structure corresponding to the claimed means is a computer program product having a computer readable medium having a computer program recorded therein, with code for mapping said series into an instruction. Structure is found in '208 Patent, col. 4, lines 25-31 & 37; col. 5 line 50 – col. 6 line 27; col. 10 line 45 – col. 11 line 2; col. 12 lines 55-59; col. 12 line 67 – col. 13 line 3; Figure 2, items 103, 107, 121.
10	"means for populating the database of biometric signatures" '208 Patent, Cls. 1, 9	Means plus function language pursuant to section 112. The function of this limitation is "populating the database of biometric signatures." Structure corresponding to the claimed means is (1) the database and (2) a computer program product having a computer readable medium having a computer program recorded therein, with code for storing biometric signatures to the database. Structure is found in '208 Patent, col. 4, lines 25-31 & 38-39; col. 10 line 57 – col. 11 line 2; col. 12 lines 43-45; col. 13 lines 9-11, 15-19.
11	"means for populating the database according to the instruction" '208 Patent, Cls. 1, 9	Means plus function language pursuant to section 112. The function of this limitation is "populating the database according to the instruction." Structure corresponding to the claimed means is (1) the database and (2) a computer program product having a computer readable medium having a computer program recorded therein, with code for populating the database according to the instruction. Structure is found in '208 Patent, col. 4, lines 25-31 & 38-39; col. 10 lines 32-34; col.

		10 line 57 – col. 11 line 2; col. 12 lines 43-45; col. 13 lines 9-11, 15-19.
12	"means for matching the biometric signal against members of the database of biometric signatures to thereby output an accessibility attribute"	Means plus function language pursuant to section 112. The function of this limitation is "means for matching the biometric signal against members of the database of biometric signatures to thereby output an accessibility attribute." Structure corresponding to the claimed means is a database and a computer program product having a computer readable medium having a computer program recorded therein, with code for matching the biometric signal against members of the database of biometric signatures to thereby output an accessibility attribute. Structure is found in '208 Patent, col. 4, lines 8-13, 15-17, 40-45 & 47-49; col. 5, lines 50-67; col. 6 line 56 – col. 7 line 2; col. 7 line 65 – col. 8 line 10; col. 8, line 67 – col. 9, line 5; col. 14 lines 10-42; Figure 2, items 103, 105; figure 3, item 202.

SIGNED this 10th day of February, 2022.

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ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE