

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

CPC PATENT TECHNOLOGIES, INC.
Patent Owner

IPR2022-00601
Patent No. 9,269,208

SUPPLEMENTAL DECLARATION OF DR. ANDREW SEARS

IPR2022-00601

Supplemental Declaration of Dr. Andrew Sears
U.S. Patent No. 9,269,208

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I, Dr. Andrew Sears, hereby declare the following:

I. INTRODUCTION

1. I have been asked to respond to certain issues raised by Patent Owner in Patent Owner's Response dated December 22, 2022 ("POR"). All of my opinions expressed in my original declaration (Ex. 1003) remain the same. I have reviewed the relevant portions of the POR and the relevant portions of Dr. Easttom's declaration and deposition transcript in connection with preparing this supplemental declaration.

II. OPINIONS

A. CPC's "Push-Button" Argument

2. As I discussed in my original declaration (Ex. 1003), a POSITA would have been motivated and found it obvious to modify *Mathiassen's* portable control to output *McKeeth's* duress and alert attributes, in addition to issuing an open door command that unlocks the car door locks for the car owner/administrator. (Ex. 1003, ¶¶ 249 (*citing* motivation to combine *McKeeth* with *Mathiassen* at Section VI.A.1.e, ¶¶ 153-168), 250-255). Providing access while issuing a silent alert to authorities when a user indicated they were under duress would have improved theft prevention "or non-authorized use of the car" because authorities would have been notified when the break-in or robbery was occurring. (Ex. 1003, ¶ 153 (*citing* Ex. 1004, [0145])). Additionally, as *Mathiassen* expressly teaches security of car systems

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being a “key issue,” a POSITA would have been motivated to increase such security to make car owners feel safer by providing duress access that included alerting authorities when an authorized user was under duress or alert access that included sounding an alarm when an unauthorized user was trying to access the vehicle. (Ex. 1003, ¶ 153 (*citing* Ex. 1004, [0145]); Ex. 1003, ¶¶ 154-163).

3. *Mathiassen* understood that “security” was a “key issue” in car systems in order to “prevent theft or non-authorized use of the car,” as the automotive industry was known to emphasize “secure access by blocking non-authorized users access to the car.” (Ex. 1004, [0145]). Thus, due to the desirability of secure access for only authorized individuals, *Mathiassen* applies the fingerprint recognition access system to a car’s central locking system to distinguish authorized users from un-authorized users. *Id.* Based on *Mathiassen*’s express disclosure of using fingerprint recognition to provide the “secure access” that was known to be desired in car locking systems, a POSITA would not have looked to a less-secure push button as providing any type of access, such as duress, as a push button would not have prevented non-authorized users from gaining access to the vehicle.

4. Dr. Easttom opines that a POSITA would have implemented a push button in *Mathiassen* to indicate duress because push buttons are “easy to install” and a “simple mechanical feature[.]” (Ex. 2011, *Declaration of Dr. William C. Easttom III*, ¶ 61). In my opinion, Dr. Easttom’s opinion does not recognize or

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address *Mathiassen's* express purpose of applying the fingerprint recognition access system to cars to **prevent un-authorized use**. Within the field of access security, duress was known as a condition where an *authorized* user was being forced to access a device (e.g., a vehicle). (Ex. 1003, ¶¶ 67-70, ¶ 94 (*McKeeth* teaching a user indicating they are “experiencing duress or force to access the computer system”), *comparing* ¶ 247 (discussing *McKeeth's* duress condition) *with* ¶ 143 (discussing the '208 Patent's disclosed “duress” situation occurring when an authorized user is in a “coercive situation”), ¶ 154). Thus, a POSITA would have understood providing access when a user is under duress includes identifying the user is an authorized user. If a push button, alone, was used to indicate duress, the car locking system would not be able to identify an authorized user from an un-authorized user pressing the button. Therefore, for a push button to provide duress access in *Mathiassen's* central locking system and for *Mathiassen* to accomplish the purpose of preventing un-authorized use, a POSITA would have understood *Mathiassen's* fingerprint sensor would have verified the user was authorized.

5. Indicating duress by “discreetly” signaling duress was well-known to be desirable. (Ex. 1003, ¶ 156 (*citing Zhinger*)). A POSITA would have understood a user presenting their fingerprint and having to separately press a push button would not be as discreet as indicating duress in the same presented fingerprint. Dr. Easttom's opinions of a “simpler” duress indication would have required two

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