

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CPC PATENT TECHNOLOGIES PTY, LTD.,
Patent Owner.

Case IPR2022-00601
U.S. Patent No. 9,269,208

PATENT OWNER SUR-REPLY

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LIST OF EXHIBITS

Exhibit No.	Description
2001	Scheduling Order, <i>CPC Patent Technologies Pty Ltd. v. HMD Global Oy</i> , 6:21-cv-00166 (Dkt. 27) (Sept. 23, 2021)
2002	HMD Global Oy – Final Invalidity Contentions dated March 16, 2022
2003	Defendant Apple Inc.’s Notice of Motion and Motion to Stay Pending <i>Inter Partes</i> Review, 5:22-cv-02553 (Dkt. 119) (June 14, 2022)
2004	Scheduling Order, <i>CPC Patent Technologies Pty Ltd. v. Apple Inc.</i> , 6:21-cv-00165 (Dkt. 37) (Sept. 23, 2021)
2005	March 19, 2020 Letter from George Summerfield to Brian Ankenbrandt
2006	Declaration of George C. Summerfield in Support of Motion for <i>Pro Hac Vice</i> Admission
2007	Biography of George C. Summerfield
2008	Declaration of Jonah Heemstra in Support of Motion for <i>Pro Hac Vice</i> Admission
2009	Apple’s Opening Claim Construction Brief, <i>CPC Patent Technologies Pty Ltd. v. Apple Inc.</i> , 6:21-cv-00165 (Dkt. 46) (Nov. 19, 2021)
2010	Final Deposition Transcript of Dr. Andrew Sears, dated November 8, 2022
2011	Declaration of William C. Easttom II (Chuck Easttom) Ph.D., D.Sc.
2012	CV of Dr. Chuck Easttom

Exhibit No.	Description
2013	Final Deposition Transcript of Dr. Andrew Sears, dated May 19, 2023

I. INTRODUCTION

By Petitioner’s own admission, which it reiterates in its Reply, it needs the *Mathiassen/Anderson* combination to satisfy the “duration” limitation of the challenged claims, as *Mathiassen* by itself does not satisfy that limitation. As explained herein, there is simply no rationale for combining these references. Among other things, *Mathiassen* alone already provides for the additional command functionality relied upon by Petitioner as the purported rationale for the proposed combination. The only reason for combining these references, then, is to support Petitioner’s invalidity challenge, *i.e.*, from the use of hindsight reconstruction. This alone is fatal to the Petition.

However, as it turns out, not even Petitioner’s expert, Dr. Andrew Sears¹, believes that the *Mathiassen/Anderson* combination, were it to have been made, would have yielded a “duration” for each entry of a biometric signal series – in this case a series of entries of fingerprint data. There are other significant problems with the Petition that have been magnified since Petitioner filed its Reply. However, the

¹ Dr. Sears testified that his supplemental declarations in IPR2022-00601 and IPR2022-00602 were essentially the same and that his answer “for one IPR would be the same for the other...” Ex. 2013 at 6:6-14.

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