

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

CPC PATENT TECHNOLOGIES PTY LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-00165-ADA

**JURY TRIAL DEMANDED**

**APPLE'S OPENING CLAIM CONSTRUCTION BRIEF**

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Apple Inc. (“Apple”) submits this opening claim construction brief pursuant to the Court’s Scheduling Order to construe terms of the Asserted Patents, U.S. Patent Nos. 8,620,039 (the “’039 Patent”), 9,269,208 (the “’208 Patent”), and 9,665,705 (the “’705 Patent”). *See* Dkt. No. 37 (Scheduling Order), at 3.

## I. INTRODUCTION

CPC Patent Technologies Pty Ltd. (“CPC”) asserts three patents in this case related to biometric security. These patents grew out of the work of inventor Christopher Burke in the early 2000s at his company Microlatch. Microlatch apparently sold and developed stand-alone biosecurity systems that could be used for building access. Microlatch ultimately failed commercially, and Mr. Burke’s patents were ostensibly acquired by Plaintiff CPC.<sup>1</sup> The patents are directed to specific biometric security systems that Apple’s accused Touch ID and Face ID technology does not use.

By 2003, the earliest priority date for the CPC patents, biometric security was a mature technology that had been heavily investigated for years by universities, companies, law enforcement, and the US government.

Fingerprints are one of the most mature biometric technologies and are considered legitimate proofs of evidence in courts of law all over the world. . . . More recently, an increasing number of civilian and commercial applications are either using or actively considering to use fingerprint-based identification because of a better understanding of fingerprints as well as demonstrated matching performance than any other existing biometric technology.

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<sup>1</sup> Apple addressed this issue in its separately filed Motion To Dismiss Complaint For Lack Of Standing (Dkt. 45), in which it showed that legal title did not pass to CPC because of a problem in CPC’s assignment history.

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