

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

**PLAINTIFF CPC PATENT TECHNOLOGIES PTY LTD.'S
PROPOSED CLAIM CONSTRUCTIONS**

Pursuant to the Court's Scheduling Order (Dkt. No. 37), Plaintiff CPC Patent Technologies PTY Ltd. ("CPC") hereby submits the following proposed constructions for those terms identified by the parties.

Term	Claim(s)	CPC's Proposed Construction
*dependent upon	Claim 1, 13, 19 of the '039 Patent; claims 1, 9, 10 of the '208 Patent	Plain and ordinary meaning, defined as “contingent on or determined (https://www.lexico.com/en/definition/dependent)
biometric signature	Claims 1, 13, 19 of the '039 Patent; claims 1, 9, 11 of the '208 Patent; claims 1, 11, 12, 14, 15, 17); claims 1, 10, 11 and 14.	Plain and ordinary meaning
enrolling/enrollment	Claims 1, 13, 19 of the '039 Patent	Plain and ordinary meaning
means for defining, dependent upon the received card information, a memory location in a local memory external to the card	Claim 13 of the '039 Patent	Means plus function language pursuant to section 112. Structure corresponding to the means is taught at 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. The means of this limitation literally includes these structures and all equivalents thereto.
means for determining if the defined memory location is unoccupied	Claim 13 of the '039 Patent	Means plus function language pursuant to section 112. Structure corresponding to the means is taught at col. 6, line 65 – col. 9, line 1; col. 9, lines 25-37. The means of this limitation literally includes these structures and all equivalents thereto.
means for storing, if the memory location is unoccupied, the biometric signature at the defined	Claim 13 of the '039 Patent	Means plus function language pursuant to section 112. Structure corresponding to the means is taught at col. 5, lines 13-23 & lines 24-31. The means of this limitation literally includes these structures and all equivalents thereto.

Term	Claim(s)	CPC's Proposed Construction
memory location		
*Determining [determine]	Claim 13 of the '039 Patent; claims 1, 9, 10 of the '208 Patent; claims 11, 14, 17 of the '705 Patent.	Plain and ordinary meaning, defined as "to establish or ascertain definitely, as after consideration, investigation, or calculation." https://www.thefreedictionary.com/determining .
*at least one of	Claims 1, 9, 10 of the '208 Patent; claims 1, 10, 11, 14, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning.
*being characterized	Claims 1, 9, 10 of the '208 Patent; claims 1, 10, 11, 14, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning, defined as "to describe the qualities or peculiarities of." https://www.thefreedictionary.com/characterized .
*series	Claims 1, 2 9, 10 of the '208 Patent; claims 1, 10, 11, 14, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning, defined as "a number of things or events of the same class coming one after the other in spatial or temporal succession." <i>Karlin Technology, Inc. v. Surgical Dynamics, Inc.</i> , 177 F.3d 968, 971 (Fed. Cir. 1999), quoting Webster's Ninth New Collegiate Dictionary 1160 (1986).
transmitter subsystem / transmitter subsystem controller	Claims 1, 9, 10 of the '208 Patent; claims 1, 2, 4, 9, 10, 11, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning
receiver subsystem / receiver subsystem controller	Claims 1, 10 of the '208 Patent; claims 1, 9, 11, 15, 17 of the '705 Patent	Plain and ordinary meaning
biometric signal	Claims 1, 2, 9, 10, 11 of the '208 Patent; claims 1, 2, 10,	Plain and ordinary meaning

Term	Claim(s)	CPC's Proposed Construction
	11, 12, 14, 15, 16, 17 of the '705 Patent	
biometric signatures	Claims 1, 9, 11 of the '208 Patent; claims 1, 11, 12, 14, 15, 17 of the '705 Patent	Plain and ordinary meaning
accessibility attribute	Claims 1, 9, 10 of the '208 Patent; claims 1, 10, 11, 14, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning
secure access signal	Claims 1, 9, 10 of the '208 Patent; claims 1, 10, 11, 14, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning
being characterized according to at least one of the number of said entries and a duration of each said entry	Claims 1, 9, 10 of the '208 Patent; claims 1, 10, 11, 14, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning
instruction/instructions	Claims 1, 9, 10, 13 of the '208 Patent; claims 1, 10, 11, 14, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning
database	Claims 1, 2, 9, 10, 11 of the '208 Patent; claims 1, 2, 4, 10, 11, 12, 14, 15, 16, 17 of the '705 Patent	Plain and ordinary meaning
conditional access	Claims 1, 10 of the '208 Patent; claims 1, 11, 14, 15, 17	Plain and ordinary meaning

Term	Claim(s)	CPC's Proposed Construction
	of the '705 Patent	
means for matching the biometric signal against members of the database of biometric signatures to thereby output an accessibility attribute	Claims 1, 9 of the '208 Patent	Means plus function language pursuant to section 112. Structure corresponding to the means is taught at col. 4, lines 8-13, 15-17, 40-45 & 47-49; col. 8, line 67 – col. 9, line; see also Fig. 2. The means of this limitation literally includes these structures and all equivalents thereto.
means for emitting a secure access signal conveying said information dependent upon said accessibility attribute	Claims 1, 9 of the '208 Patent	Means plus function language pursuant to section 112. Structure corresponding to the means is taught at col. 4, lines 8-13, 18-22, 40-45 & 50-54. The means of this limitation literally includes these structures and all equivalents thereto.
means for receiving a series of entries of the biometric signal,	Claims 1, 9, 10 of the '208 Patent	Means plus function language pursuant to section 112. Structure corresponding to the means is taught at col. 4, lines 8-14, 25-34 & 40-46; col. 5, lines 40-65, (biometric sensor 121); <i>see also</i> Fig 2. The means of this limitation literally includes these structures and all equivalents thereto.
means for mapping said series into an instruction	Claims 1, 9 of the '208 Patent	Means plus function language pursuant to section 112. Structure corresponding to the means is taught at col. 4, lines 25-31 & 37. The means of this limitation literally includes these structures and all equivalents thereto.
means for populating the database according to the instruction	Claims 1, 9 of the '208 Patent	Means plus function language pursuant to section 112. Structure corresponding to the means is taught at col. 4, lines 25-31 & 38-39. The means of this limitation literally includes these structures and all equivalents thereto.

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