

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

CPC PATENT TECHNOLOGIES PTY, LTD.,

Case IPR2022-00602

U.S. Patent No. 9,665,705

NOTICE OF SUPPLEMENTAL AUTHORITY

The Federal Circuit recently held in *Sanofi-Aventis Deutschland GmbH v. Mylan Pharmaceuticals Inc.*, Case: 21-1981 (May 9, 2023 Fed. Cir.) that the determination of analogousness of a prior art reference is compared to the challenged patent and not another prior art reference. *Sanofi-Aventis*, Slip Op., p. 13. CPC previously argued “[n]either Apple nor Dr. Sears explains why skilled persons would have turned to personal computer art to modify a security feature on an automotive key fob.” (Paper 17, 29-30, 20-21). Apple previously noted CPC’s legal analysis for obviousness is incorrect. (Paper 20, 11). *Sanofi-Aventis* confirms Apple’s position is correct.

Respectfully submitted,

ERISE IP, P.A.

BY: /s/ Jennifer C. Bailey

Jennifer C. Bailey Reg. No. 52,583

Adam P. Seitz, Reg. No. 52,206

7015 College Blvd., Suite 700

Overland Park, KS 66211

P: (913) 777-5600

F: (913) 777-5601

jennifer.bailey@eriseip.com

adam.seitz@eriseip.com

ATTORNEYS FOR PETITIONER
APPLE INC.

CERTIFICATION OF WORD COUNT

The undersigned certifies pursuant to 37 C.F.R. § 42.24 that the foregoing Notice Of Supplemental Authority, excluding any certificates of service or word count, contains 826 words according to the word-processing program used to prepare this document (Microsoft Word).

Dated: May 23, 2023

/s/ Jennifer C. Bailey

Jennifer C. Bailey, Reg. No. 52,583

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE ON CPC

UNDER 37 C.F.R. § 42.6

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on May 23, 2023, the foregoing *NOTICE OF SUPPLEMENTAL AUTHORITY* was served via electronic filing with the Board and via Electronic Mail on the following practitioners of record for CPC:

Darlene F. Ghavimi-Alagha
Darlene.Ghavimi@klgates.com

Brian P. Bozzo
Brian.Bozzo@klgates.com

George C. Summerfield
George.Summerfield@klgates.com

Jonah Heemstra
Jonah.Heemstra@klgates.com

/s/ Jennifer C. Bailey
Jennifer C. Bailey, Reg. No. 52,583

ATTORNEY FOR PETITIONER