

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

CPC PATENT TECHNOLOGIES PTY, LTD.,
Patent Owner

CASE: IPR2022-00602
U.S. PATENT NO. 9,665,705

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 Final Invalidity Contentions, Chart B15 – <i>Mathiassen</i> , dated March 16, 2022
2003	Apple Inc. – Final Invalidity Contentions dated March 16, 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	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)
2007	HMD Global Oy – Final Invalidity Contentions dated March 16, 2022
2008	Declaration of George C. Summerfield in Support of Motion for <i>Pro Hac Vice</i> Admission
2009	Biography of George C. Summerfield
2010	Declaration of Jonah Heemstra in Support of Motion for <i>Pro Hac Vice</i> Admission
2011	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)
2012	Final Deposition Transcript of Dr. Andrew Sears, dated November 8, 2022

Exhibit No.	Description
2013	Declaration of William C. Easttom II (Chuck Easttom) Ph.D., D.Sc.
2014	CV of Dr. Chuck Easttom
2015	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 Sears, 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 lack of the claimed “duration” limitation in the sole challenge ground urged by Petitioner is sufficient to derail the invalidity challenge based upon that ground.

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