

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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