UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

APPLE INC.,
Petitioner

v.

FINTIV, INC.,
Patent Owner

_____

IPR2022-00976
U.S. Patent No. 9,892,386

_____

SUPPLEMENTAL DECLARATION OF DR. HENRY HOUH
IN SUPPORT OF PETITIONER'S REPLY

I, Henry Houh, do hereby declare as follows:

I.   INTRODUCTION

1.   I am making this supplemental declaration at the request of Apple, Inc. in the matter of the *Inter Partes* Review of U.S. Patent No. 9,892,386 ("the '386 patent") to Michael A. Liberty.

2.   I am being compensated for my work in this matter at my standard hourly rate. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this investigation. My compensation is not contingent on the outcome of this matter or the specifics of my testimony.

3.   I have been asked to provide my supplemental opinions as to the proper construction of certain claim terms recited in claims 1-3 (the "Challenged Claims") of the '386 patent. It remains my opinion that the terms do not require a specific construction beyond the plain and ordinary meaning as would have been understood by a POSITA.

4.   In preparing this Supplemental Declaration, I have reviewed:

   a. the '386 patent, APPL-1001;

   b. the prosecution history of the '386 Patent ("'386 File History"), APPL-1002;

   c. U.S. Patent Publication No. 2009/0265272 to Dill et al. ("Dill," APPL-1005);

d. U.S. Patent Publication No. 2010/0133334 to Vadhri ("Vadhri," APPL-1006);

e. U.S. Patent Publication No. 2009/0217047 to Akashika et al. ("Akashika," APPL-1007);

f. U.S. Patent Publication 2004/0230527 ("Hansen," APPL-1008); and

g. U.S. Patent No. 7,865,141 to Liao et al. ("Liao," APPL-1009).

5. In forming the opinions expressed below, I have considered:

a. the document listed above;

b. the relevant legal standards;

c. my own knowledge and experience based upon my work in the field of software and telecommunications as described below; and

d. the following materials:

- G. Winfield Treese et al., "Designing Systems for Internet Commerce," Second Edition, Addison-Wesley, 2003 ("Treese") (excerpt), APPL-1012;

- H. Newton, "Newton's Telecom Dictionary," 17th Edition, CMP Books, 2001 (excerpt, p. 52), APPL-1014;

- T. Thai et al., ".Net Framework Essentials," Third Edition, O'Reilly & Associates, Inc., 2003 (excerpt, pp. 1-10), APPL-1015;

- Patent Owner's Response ("Response") in IPR2022-00976;

3 APPL-1017 / IPR2022-00976

- Declaration of Michael I. Shamos, Ph.D., Ex.2009;

- *Distributed Transaction Processing: Reference Model*, Version 3, Ex.2010;

- *Auditing: Principles and Techniques*, Pearson Education, 2006, Ex.2011;

- Kingsley-Hughes, Adrian, et al., *VBScript Programmer's Reference*, United Kingdom, Wiley, 2007, Ex.2012;

- *Concise Oxford English Dictionary*: Luxury Edition, United Kingdom, OUP Oxford, 2011, Ex.2013;

- Technical Standard "Data Management: Structured Query Language (SQL) Version 2," 1996, Ex.2017;

- Deposition of Michael Shamos, Ph.D (May 9, 2023), APPL-1018;

- U.S. Patent No. 9,147,184, APPL-1019; and

- Any other documents cited in this analysis.

The materials I have reviewed and studied, including those listed in this paragraph, are the type of evidence an expert in the field of software and mobile application development would consider in reaching conclusions.

6. Unless otherwise noted, all emphasis in any quoted material has been added.

II.   SUPPLEMENTAL CLAIM CONSTRUCTION ANALYSIS

7.   The discussion below provides a detailed analysis of my supplemental opinions relating to the proper construction of certain claim terms recited in the Challenged Claims. These opinions merely supplement my original opinions and do not (and are not intended to) override or invalidate any of my original opinions.

8.   As part of my supplemental analysis, I have considered what counsel has explained to me is the so-called *Phillips* standard under which claim terms are given their plain and ordinary meaning as would be understood by one of ordinary skill in the art in light of the specification and prosecution history, unless the inventor has set forth a special meaning for a term.

9.   It is my understanding that Patent Owner is arguing that the following terms must be given specific constructions:

- "Committing" a pending transaction;

- "Auditing Financial Transactions;"

- "Handling Errors;" and

- "Logging" platform objects.

10.   I disagree. It remains my opinion that terms recited in the Challenged Claims, including the terms listed in Paragraph 9 (above), do not require a specific construction beyond the plain and ordinary meaning as would have been understood by a POSITA. My supplemental opinions just respond to Patent Owner's arguments.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.