

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

FINTIV, INC.,
Patent Owner.

IPR2022-00976
Patent 9,892,386 B2

Before KRISTEN L. DROESCH, MICHAEL R. ZECHER, and
GEORGE R. HOSKINS, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Petitioner, Apple Inc. (“Apple”), filed a Petition requesting an *inter partes* review (“IPR”) of claims 1–3 of U.S. Patent No. 9,892,386 B2 (Ex. 1001, “the ’386 patent”). Paper 2 (“Pet.”). Patent Owner, Fintiv, Inc. (“Fintiv”), filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). Taking into account the arguments presented in Fintiv’s Preliminary Response, we determined that the information presented in the Petition established that there was a reasonable likelihood that Apple would prevail with respect to challenging at least one of claims 1–3 of the ’386 patent as unpatentable. Pursuant to 35 U.S.C. § 314, we instituted this IPR on November 15, 2022, as to all challenged claims and all grounds raised in the Petition. Paper 9 (“Dec. on Inst.”).

During trial, Fintiv filed a Patent Owner Response (Paper 11, “PO Resp.”), Apple filed a Reply to the Patent Owner Response (Paper 17, “Pet. Reply”), and Fintiv filed a Sur-reply to the Reply (Paper 19, “PO Sur-reply”). In addition, an oral argument was held on August 23, 2023, and a transcript of the hearing is included in the record. Paper 25 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of claims 1–3 of the ’386 patent. For the reasons we identify below, we hold that Apple has demonstrated by a preponderance of the evidence that all challenged claims are unpatentable.

A. Real Party in Interest (“RPI”)

Apple identifies itself as the only RPI. Pet. 1. Fintiv identifies itself as the only RPI. Paper 4 (Fintiv’s Mandatory Notices), 2.¹

B. Related Matters

The parties indicate that the ’386 patent is the subject of the district court case captioned *Fintiv, Inc. v. PayPal Holdings, Inc.*, No. 6:22-cv-00288 (W.D. Tex.) (complaint filed Mar. 17, 2022). Pet. 1; Paper 4, 2.

C. The ’386 Patent

The ’386 patent, titled “Monetary Transaction System,” issued from U.S. Patent Application No. 15/201,152 (“the ’152 application”), filed on July 1, 2016. Ex. 1001, codes (54), (21), (22). The ’152 application includes an extensive chain of priority that ultimately results in it claiming the benefit of U.S. Provisional Patent Application No. 61/493,064 (“the ’064 application”), filed on June 3, 2011. *Id.* at code (60), 1:6–19.

The ’386 patent generally relates to a “monetary transaction system for conducting monetary transactions between transaction system subscribers and other entities.” Ex. 1001, 1:37–38. Figure 2 of the ’386 patent, reproduced below, illustrates one embodiment of a monetary transaction system. *Id.* at 2:37–38.

¹ Fintiv’s Mandatory Notices, filed in accordance with 37 C.F.R. § 42.8, do not include page numbers. Paper 4. We consider the Title page as page 1 and then proceed from there in numerical order.

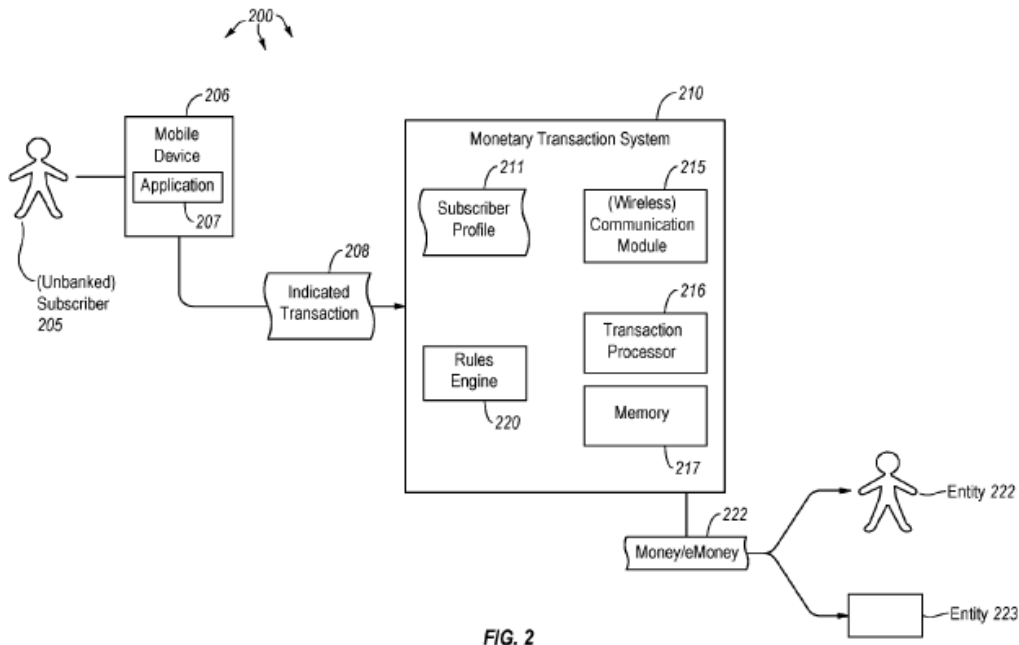


Figure 2 illustrates monetary transaction system 200 that includes first subscriber 205 using mobile device 206 that runs mobile wallet application 207 to conduct indicated transaction 208 with entity 222 or 223, which may be a second subscriber, a retail store, or an agent company. *Id.* at 14:27–64. Using mobile device 206 that runs mobile wallet application 207, first subscriber 205 sends indicated transaction 208 to transaction processor 216 in mobile wallet platform 210, which, in turn, may access subscriber profile information 211 about the first subscriber, and consult rules engine 220 to determine whether the indicated transaction is permissible. *Id.*

D. Challenged Claims

Claims 1–3 are independent claims. Each independent claim is directed to “[a] monetary transaction system for conducting monetary transactions between subscribers and other entities.” Ex. 1001, 30:54–55, 32:3–4, 33:34–35. The parties, however, agree that these three independent claims differ in how the monetary transaction is conducted (i.e., depositing

funds in independent claim 1, withdrawing funds in independent claim 2, and transferring funds in independent claim 3). *Compare* Pet. 6, with Prelim. Resp. 7. Independent claim 1 is illustrative of the challenged claims and is reproduced below:

1. A monetary transaction system for conducting monetary transactions between subscribers and other entities, the system comprising one or more of:
 - an integration tier operable to manage mobile wallet sessions, the integration tier also including a communication application programming interface (API) and other communication mechanisms to accept messages from channels;
 - notification services operable to send notifications through different notification channels including one or more of short message peer-to-peer, short-message services and simple mail transfer protocol emails;
 - business process services operable to implement business workflows, including at least one of executing financial transactions, auditing financial transactions, invoking third-party services, handling errors, and logging platform objects;
 - database services operable to store financial transaction details, store customer profiles, and manage money containers;
 - a payment handler service operable to use APIs of different payment processors including one or more APIs of banks, credit and debit cards processors, bill payment processors;
 - a rules engine operable to gather financial transaction statistics and use the gathered financial transaction statistics to enforce constraints including transaction constraints;
 - a security service operable to perform subscriber authentication;
 - at least one entity that is to be involved in the specified transaction, the at least one entity having a profile with the monetary transaction system: wherein the at least one entity is the agent;
 - wherein the monetary transaction system is implemented to deposit funds at an agent branch, the funds being deposited

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