

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASSA ABLOY AB, ASSA ABLOY INC., ASSA ABLOY RESIDENTIAL
GROUP, INC., AUGUST HOME, INC., HID GLOBAL CORPORATION,
ASSA ABLOY GLOBAL SOLUTIONS, INC.,
Petitioners,

v.

CPC PATENT TECHNOLOGIES PTY LTD.,
Patent Owner.

Case IPR2022-01006
Patent 9,665,705

EXPERT DECLARATION OF SAMUEL RUSS, PHD.

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	QUALIFICATIONS AND EXPERIENCE.....	2
III.	INFORMATION CONSIDERED.....	7
IV.	LEGAL STANDARDS	7
A.	Legal Standards: Person Of Ordinary Skill In The Art.....	8
B.	Legal Standards: Obviousness	9
C.	Legal Standards: Claim Construction	11
V.	LEVEL OF SKILL IN THE ART	11
VI.	CLAIM CONSTRUCTION	12
VII.	OPINIONS REGARDING PETITIONERS' INVALIDITY GROUNDS.....	21
A.	Series Of Entries Of The Biometric Signal, Said Series Being Characterized According To At Least One Of The Number Of Said Entries And A Duration Of Each Said Entry	24
1.	Bianco (EX-1003).....	25
2.	Mathiassen (EX-1004).....	28
a.	Mathiassen Does Not Disclose A Number/Duration Of Biometric Entries To Issue An Instruction	28
b.	Mr. Lipoff's Deposition Testimony	32
c.	Mathiassen Teaches That The Single Touch- Sensitive Switch Does Not Biometrically Scan The Fingerprint While In A Navigation Mode.....	33
d.	A POSITA Familiar With The State Of The Art Would Have Understood That The Single Touch- Sensitive Switch Does Not Scan The Fingerprint	

	While In A Navigation Mode	36
B.	Mapping Said Series <i>Of The Biometric Signal</i> Into An Instruction.....	41
C.	Populate The Database Of Biometric Signatures According To The Instruction	42
D.	No Motivation To Combine Bianco And Mathiassen	44
E.	Independent Claims 10, 11, And 14-17	49
F.	Dependent Claims	50

I. INTRODUCTION

1. I, Samuel Russ, submit this Declaration in support of Patent Owner CPC Patent Technologies Pty Ltd. (“CPC”) Patent Owner’s Response to the Petitioners’, ASSA ABLOY AB, ASSA ABLOY Inc., ASSA ABLOY Residential Group, Inc. (“Yale”), August Home, Inc. (“August”), HID Global Corporation (“HID”), ASSA ABLOY Global Solutions, Inc. (“Hospitality”) (collectively “Petitioners”) Petition for *Inter Partes* Review (“Petition” or “IPR”) against U.S. Patent No. 9,665,705 (the “’705 Patent”).

2. I have been asked to review the Petition, as well as the Declaration of Stuart Lipoff (EX-1005) and the transcript of his deposition (EX-2034), as submitted in the above-captioned IPR (and the exhibits cited in each) in which Petitioners and Mr. Lipoff have asserted and offered opinions that the claims of the ’705 Patent are obvious.

3. All of the opinions set forth in this Declaration are based on my own personal knowledge, professional experience, education, and judgment in consideration of the documents, materials and information referenced herein.

4. I am being compensated for my services as an independent expert in these proceedings at an hourly rate of \$450. I expect to be available to provide oral testimony should the need arise. My compensation is not in any way contingent

upon the outcome of any *Inter Partes* review. I have no financial or personal interest in the outcome of these proceedings, or of any related litigation.

II. QUALIFICATIONS AND EXPERIENCE

5. My experience and education are detailed in my curriculum vitae (“CV”), which I understand has been submitted into the record of this proceeding as EX-2032. My CV also lists publications on which I am a named author and identifies parties on behalf of whom I have previously provided expert testimony.

6. I have experience in a number of areas, and have particular expertise in electronics, security systems, including biometric security systems, device access security, payment terminals, and their related technologies, such as in debit-capable payment terminals and digital set-top boxes, which include design, physical security, system layout, and cryptography schemes. This expertise is directly applicable to the technical area of the ’705 Patent, which relates to a system for providing secure access to a controlled item, such as physical locking mechanism or an electronic key circuit, using physical biometric attributes.

7. I received my bachelor’s degree in electrical engineering from Georgia Institute of Technology in 1986. I then received my Ph.D. in electrical engineering from Georgia Institute of Technology in 1991.

8. From 2007 to the present, I have been a member of the faculty of the University of South Alabama as an Assistant and Associate Professor in the

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.