

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

CPC PATENT TECHNOLOGIES PTY LTD.,  
Patent Owner.

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Case IPR2022-01045  
Patent 9,269,208

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**PATENT OWNER'S SUR-REPLY**

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### Cases

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<i>Microsoft Corp. v. IPA Tech., Inc.</i> , IPR2019-00812 Paper 44 at n. 30 (PTAB Oct. 15, 2020).....	5, 6
<i>Nuevolution A/S v. Chemgene Holdings APS</i> , IPR2017-01599, Paper No. 46 at n. 9 (PTAB Jan. 9, 2019).....	5
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### Statutes

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### Regulations

37 C.F.R. § 42.104(b)(3).....	1, 6
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EXHIBIT	DESCRIPTION
2001	Affidavit in Support of Patent Owner's Motion for Pro Hac Vice Admission of Steven M. Coyle Pursuant to 37 C.F.R. § 42.10(c)
2002	Affidavit in Support of Patent Owner's Motion for Pro Hac Vice Admission of Nicholas A. Geiger Pursuant to 37 C.F.R. § 42.10(c)
2003	Complaint filed in <i>CPC Patent Technologies Pty Ltd. v. Apple, Inc.</i> , No. 6:21-cv-00165 (W.D. Tex., Waco Division) (without exhibits)
2004	Affidavit of Service of Complaint filed in <i>CPC Patent Technologies Pty Ltd. v. Apple, Inc.</i> , No. 6:21-cv-00165 (W.D. Tex., Waco Division)
2005	Letter dated October 18, 2021 from Patent Owner's counsel to Yale Residential regarding '705 and '208 Patents with attached claim charts
2006	Letter dated November 4, 2021 from Patent Owner's counsel to Yale Residential
2007	Complaint for declaratory judgment filed in <i>ASSA ABLOY AB et al. v. CPC Patent Technologies Pty. Ltd. and Charter Pacific Corp Ltd.</i> , Civ. 3:22-cv-694 (D. Conn.) (without exhibits)
2008	Declaration of Kevin J. Dart filed in <i>ASSA ABLOY AB et al. v. CPC Patent Technologies Pty. Ltd. and Charter Pacific Corp Ltd.</i> , Civ. 3:22-cv-694 (D. Conn.) (without exhibits)
2009	Apple Developer Program License Agreement
2010	Email thread between Petitioners and Patent Owner's respective counsel regarding additional discovery
2011	Yale product literature ( <i>Yale Assure Lock Touchscreen with Wi-Fi and Bluetooth</i> ) downloaded from [https://shopyalehome.com/products/yale-assure-lock-touchscreen-with-wi-fi-and-bluetooth?variant=39341913079940]
2012	Yale product literature ( <i>Yale Access Upgrade Kit with Wi-Fi for Assure Locks</i> ) downloaded from [https://shopyalehome.com/products/yale-access-ugrade-kit-for-assure-locks-with-wifi?variant=34110396006532]
2013	Yale product literature ( <i>Facial and Fingerprint Lock Verification for Yale Assure Smart Locks</i> ) downloaded from [https://shopyalehome.com/blogs/yale-home-blog/new-facial-and-fingerprint-lock-verification-for-yale-assure-smart-locks]

EXHIBIT	DESCRIPTION
2014	August product literature ( <i>August Smart Lock Pro + Connect</i> ) downloaded from [ <a href="https://august.com/products/august-smart-lock-pro-connect">https://august.com/products/august-smart-lock-pro-connect</a> ]
2015	August product literature ( <i>New Biometric Verification Feature for August Smart Locks</i> ) downloaded from [ <a href="https://august.com/blogs/home/introducing-biometric-verification-for-august-and-yale-locks">https://august.com/blogs/home/introducing-biometric-verification-for-august-and-yale-locks</a> ]
2016	Apple literature regarding MiFi Program downloaded from <a href="https://mfi.apple.com/">https://mfi.apple.com/</a>
2017	Apple literature regarding MiFi Program ( <i>How the Program Works</i> ) downloaded from <a href="https://mfi.apple.com/en/how-it-works.html">https://mfi.apple.com/en/how-it-works.html</a> .
2018	Apple literature regarding MiFi Program ( <i>Frequently Asked Questions</i> ) downloaded from <a href="https://mfi.apple.com/en/faqs.html">https://mfi.apple.com/en/faqs.html</a> .
2023	Apple Inc. iPhone SDK Agreement (dated 10/20/2008)
2024	Yale Access on the Apple App Store
2025	August Home on the Apple App Store
2026	Apple literature regarding Apple HomeKit (“Developing apps and accessories for the home”) downloaded from <a href="https://developer.apple.com">https://developer.apple.com</a>
2027	Apple literature regarding Apple HomeKit and Yale Assure Lock Yale product literature ( <i>Yale Assure Lock SL Touchscreen Deadbolt – Black – Apple</i> ) downloaded from <a href="https://www.apple.com/shop/product/HPAR2ZM/A/yale-assure-lock-sl-touchscreen-deadbolt-black">https://www.apple.com/shop/product/HPAR2ZM/A/yale-assure-lock-sl-touchscreen-deadbolt-black</a>
2028	August product literature regarding Apple HomeKit ( <i>HomeKit FAQ</i> ) downloaded from <a href="https://support.august.com/august-smart-lock-homekit-enabled-faq-rJv088y0_z">https://support.august.com/august-smart-lock-homekit-enabled-faq-rJv088y0_z</a>
2029	Revised Affidavit in Support of Patent Owner’s Motion for Pro Hac Vice Admission of Steven M. Coyle Pursuant to 37 C.F.R. § 42.10(c)
2030	Revised Affidavit in Support of Patent Owner’s Motion for Pro Hac Vice Admission of Nicholas A. Geiger Pursuant to 37 C.F.R. § 42.10(c)
2031	Declaration of Samuel Russ, Ph.D. Regarding U.S. Patent No. 9,665,208
2032	Curriculum Vitae of Samuel Russ, Ph.D.

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