

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, and ASSA ABLOY Global Solutions, Inc.,
Petitioners,

v.

CPC Patent Technologies PTY LTD.,
Patent Owner.

Case No. IPR2022-01093

Patent No. 8,620,039

SECOND DECLARATION OF STUART LIPOFF

U.S. PATENT NO. 8,620,039 (CLAIMS 1, 2, 13, 14, 19, AND 20)

Contents

- I. ENGAGEMENT1
- II. BACKGROUND QUALIFICATIONS, PATENT AND PRIOR ART SUMMARY.....1
- III. CLAIM CONSTRUCTION1
 - A. PO’s proposed construction of “defining, dependent upon the received card information, a memory location...” is incorrect.....2
- IV. MY UNDERSTANDINGS OF THE LEGAL STANDARDS OF ANTICIPATION AND OBVIOUSNESS.....11
- V. THE CHALLENGED CLAIMS OF THE ’039 PATENT ARE INVALID.....11
 - A. GROUND #1: The Hsu-Sanford combination renders claims 1, 2, 13, 14, 19, and 20 obvious11
 - 1. Hsu-Sanford teaches Limitation 1[C]’s defining step under Petitioners’ First Construction and the Board’s preliminary construction12
 - 2. Hsu-Sanford teaches Limitation 1[C]’s defining step under PO’s construction.....14
 - B. GROUND #2: The Hsu-Sanford-Tsukamura combination renders claims 1, 2, 13, 14, 19, and 20 obvious15
 - 1. Alleged deficiencies of Tsukamura are irrelevant.15
 - a. My first declaration does not rely on Tsukamura’s IC card 21 for disclosing “card information”16
 - b. Tsukamura’s index-based system is materially the same as the ’039 Patent’s pointer system.....17
 - c. The differences between Tsukamura’s index-based system and the ’039 Patent’s pointer system are immaterial to unpatentability of the Challenged Claims18
 - 2. A POSITA would have been motivated to combine Hsu-Sanford with Tsukamura.....18
 - a. The Challenged Claims do not require a particular type of data storage.....19

- b. Replacing Hsu’s database with Tsukamura’s
memory configuration is a suitable option21
- c. Tsukamura’s array is not undesirable.....22

VI. CONCLUDING STATEMENTS.....29

EXHIBIT LIST

EXHIBITS FILED BY PETITIONERS (<u>New Exhibits in <i>Italics</i></u>)	
Ex. 1001	U.S. Patent No. 8,620,039 (“’039 Patent”)
Ex. 1002	Patent Prosecution History of U.S. Patent No. 8,620,039
Ex. 1003	European Patent Pub. No. EP 0924655A2 to Hsu <i>et al.</i> (“Hsu”)
Ex. 1004	World Intellectual Property Organization (WIPO) Int. Pub. No. WO 2003077077A2 (03/077077) to Kirk Sanford (“Sanford”)
Ex. 1006	U.S. Patent No. 6,963,660 to Yoshihiro Tsukamura and Takeshi Funahashi (“Tsukamura”)
Ex. 1007	Declaration of Stuart Lipoff Regarding Invalidity of U.S. Patent No. 8,620,039
Ex. 1008	Curriculum Vitae of Stuart Lipoff
Ex. 1009	European Patent Pub. No. EP 0881608A1 to Walter Leu (“Leu Original”)
Ex. 1010	Certified English Translation of European Patent Pub. No. EP 0881608A1 to Walter Leu (“Leu”)

Ex. 1011	U.S. Patent No. 5,790,674 to Robert C. Houvener and Ian P. Hoenisch (“Houvener”)
Ex. 1012	U.S. Patent No. 5,956,415 to McCalley <i>et al.</i> (“McCalley”)
Ex. 1013	Claim Construction Order in <i>CPC Patent Technologies Pty Ltd v. Apple Inc.</i> , WDTX-6-21-cv-00165-ADA, Dkt. No. 76 (“Apple CC Order”)
Ex. 1014	Joint Claim Construction Statement in <i>CPC Patent Technologies Pty Ltd v. Apple Inc.</i> , WDTX-6-21-cv-00165-ADA, Dkt. No. 57 (“Apple Joint CC Statement”)
Ex. 1015	Excerpts from Bloomsbury English Dictionary, 2 nd Edition (2004)
Ex. 1017	Excerpts from The Chambers Dictionary, 4th Edition (2003)
Ex. 1018	CPC Publicly Filed Infringement Allegations Against Apple regarding U.S. Patent No. 8,620,039
Ex. 1019	World Intellectual Property Organization (WIPO) Int. Pub. No. WO 2001022351A1 (01/022351) to Gerald R. Black (“Black”)
Ex. 1020	World Intellectual Property Organization (WIPO) Int. Pub. No. WO 2004055738A1 (04/055738) to Svein Mathiassen and Ivar Mathiassen (“Mathiassen”)
Ex. 1021	Excerpts from The Art Of Computer Programming, Volume 3 Sorting and Searching (1973) (“Knuth Vol. 3”)

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.