

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CPC Patent Technologies Pty. Ltd., and
Charter Pacific Corporation Ltd.

Plaintiffs,

v.

HID Global Corporation

Defendant.

Civil Action No. 6:22-cv-1170

RELATED CASES:

Civil Action No. 6:21-cv-00165-ADA

Civil Action No. 6:21-cv-00166-ADA

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs CPC Patent Technologies Pty. Ltd. (“CPC”), and Charter Pacific Corporation Ltd. (“Charter Pacific Corp.”) (collectively the “Charter Pacific” or “Plaintiffs”), by their counsel, for their claims against Defendant HID Global Corporation (“HID” or “Defendant”), hereby allege as follows:

NOTICE OF RELATED CASES

Plaintiffs respectfully inform the Court that the present case involves the infringement of the same patents already in suit in the cases styled as *CPC Patent Technologies Pty. Ltd. v. HMD Global Oy*, 6:21-cv-00166-ADA (the “166 Case”) and *CPC Patent Technologies Pty. Ltd. v. Apple Inc.*, 6:21-cv-00165-ADA (the “165 Case”).

Specifically, the patents asserted in this litigation are the same patents asserted in the 165 and 166 cases, which are: U.S. Patent Nos. 9,269,208 (“the ’208 Patent”), 9,665,705 (“the ’705 Patent”), and 8,620,039 (“the ’039 Patent”) (collectively, the “Patents-in-Suit”). The Court previously held *Markman* hearings in the 165 and 166 cases construing various terms of the

asserted patents.¹ Therefore, pursuant to the Court’s Order Governing Proceedings (“OGP”), the instant action is a “Related Case” as contemplated by the Court’s OGP and the local rules of the Western District of Texas.

NATURE OF THE ACTION

1. This is a civil action arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including specifically 35 U.S.C. § 271, based on HID’s infringement of U.S. Patent Nos. 9,269,208 (“the ’208 Patent”), 9,665,705 (“the ’705 Patent”), and 8,620,039 (“the ’039 Patent”) (collectively, the “Patents-in-Suit”).

2. The products accused of infringing the Patents-in-Suit include HID hardware and software that form a system to provide secure access to a controlled item based on biometrics as well as a system that provides the ability to enroll in a biometric card pointer system. This includes, by way of example, biometric reader hardware such as HID’s Signo Biometric Reader 25B (the “Signo Reader”), Physical Access Control System (“PACS”) hardware such as the HID VertX EVO V2000 (“HID Controller”), and software such as the HID Biometric Manager Software (“HBM Software”) (collectively, the “Accused HID System.”)

THE PARTIES

3. Plaintiff CPC Patent Technologies Pty. Ltd. is an Australian corporation having its principal place of business located at Level 1, 18 Tedder Avenue, Main Beach, Queensland 4217, Australia.

4. Plaintiff Charter Pacific Corporation Ltd is an Australian corporation having its principal place of business located at Level 1, 18 Tedder Avenue, Main Beach, Queensland 4217, Australia.

¹ The 165 Case was transferred to the Northern District of California on April 25, 2022, only after the Court made multiple substantive rulings concerning the Patents-in-Suit.

5. CPC is an investment company focused on biometric technology including mobile device security, credit card security, and mobile payments. In 2019, CPC acquired a patent portfolio, including the '208 Patent and the '705 Patent, from biometric technology pioneer Securicom (NSW) Pty Ltd (“Securicom”).

6. Plaintiff CPC is a wholly-owned subsidiary of Charter Pacific Corporation Ltd.

7. Charter Pacific is actively working to license its portfolio of intellectual property, including in the United States.

8. On information and belief, Defendant HID Global Corporation is a Delaware corporation with its principal place of business located at 611 Center Ridge Drive, Austin, TX 78753.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the claims herein arise under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271.

10. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b). HID has regular and established places of business in this Judicial District, including its corporate headquarters at 611 Center Ridge Drive, Austin, TX 78753. HID has committed acts of infringement within this Judicial District including the manufacturing and selling of the Accused HID System.

11. Personal jurisdiction over the Defendant exists because the Defendant has its principal place of business in the Western District of Texas.

FACTUAL BACKGROUND

The Asserted Patents

12. The invention of the '208 Patent provides for the use of biometric data to unlock a controlled item like a door lock or electronic lock by taking the biometric data and matching it against a database in a biometric security system (such as may be located on a smartphone or other mobile device) where the user's biometric data is stored securely.

13. The invention of the '705 Patent provides for matching of biometric data against enrolled biometric data stored in the database of a biometric security system.

14. The invention of the '039 Patent is directed to improved smart card security provided using biometric data.

15. On February 23, 2016, the '208 Patent, entitled "Remote Entry System," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '208 Patent is attached hereto as Exhibit A.

16. On May 30, 2017, the '705 Patent, entitled "Remote Entry System," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '705 Patent is attached hereto as Exhibit B.

17. On December 31, 2013, the '039 Patent, titled "Card Device Security Using Biometrics," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '039 Patent is attached hereto as Exhibit C.

18. On September 17, 2019, the United States Patent and Trademark Office recorded an assignment of patent rights of certain patents (including the Patents-in-Suit) to CPC Patent Technologies Pty Ltd. ("CPC").

19. CPC is the sole owner of all rights, title, and interest in and to the '208 Patent, the

'705 Patent, and the '039 Patent, including the rights to assert all causes of action arising under the patents and the right to any and all remedies for infringement of them.

20. Independent claim 1 of the '208 Patent provides one example of the claims of that patent. It states:

1. A system for providing secure access to a controlled item, the system comprising:

- a database of biometric signatures;
 - a transmitter sub-system comprising:
 - a biometric sensor for receiving a biometric signal;
 - means for matching the biometric signal against members of the database of biometric signatures to thereby output an accessibility attribute; and
 - means for emitting a secure access signal conveying information dependent upon said accessibility attribute; and
 - a receiver sub-system comprising:
 - means for receiving the transmitted secure access signal; and
 - means for providing conditional access to the controlled item dependent upon said information,
- wherein the transmitter sub-system further comprises means for populating the data base of biometric signatures, the population means comprising:
- means for receiving a series of entries of the biometric signal, said series being characterised according to at least one of the number of said entries and a duration of each said entry;
 - means for mapping said series into an instruction; and
 - means for populating the data base according to the instruction,
- wherein the controlled item is one of: a locking mechanism of a physical access structure or an electronic lock on an electronic computing device.

21. Independent claim 1 of the '705 Patent provides one example of the claims of that patent:

1. A system for providing secure access to a controlled item, the system comprising:

- a memory comprising a database of biometric signatures;
 - a transmitter sub-system comprising:
 - a biometric sensor configured to receive a biometric signal;
 - a transmitter sub-system controller configured to match the biometric signal against members of the database of biometric signatures to thereby output an accessibility attribute; and
 - a transmitter configured to emit a secure access signal conveying information dependent upon said accessibility attribute; and
 - a receiver sub-system comprising:
- wherein the controller is further configured to:

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