

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.,
Petitioner,

v.

CPC PATENT TECHNOLOGIES PTY, LTD,
Patent Owner.

IPR2022-01094
Patent No. 8,620,039 B2

Before SCOTT A. DANIELS, AMBER L. HAGY and
FREDERICK C. LANEY, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

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

I. INTRODUCTION

ASSA ABLOY AB, ASSA ABLOY Inc., ASSA ABLOY Residential Group, Inc., August Home, Inc., HID Global Corporation, and ASSA ABLOY Global Solutions, Inc., (“ASSA” or “Petitioner”) filed a Petition requesting *inter partes* review (“IPR”) of claims 3–12 and 15–18 of U.S. Patent No. 8,620,039 B2 (Ex. 1001, “the ’039 patent”). Paper 2 (“Pet”). CPC Patent Technologies PTY, Ltd., (“CPC” or “Patent Owner”) filed a Preliminary Response to the Petition. Paper 11 (“Prelim. Resp.”). Petitioner filed a Reply to Patent Owner’s Preliminary Response. Paper 15 (“Prelim. Reply”). Patent Owner filed a Sur-Reply to Petitioner’s Reply. Paper 18 (“Prelim. Sur-Reply”).

Following our Institution Decision (Paper 20, “Inst. Dec.”), in which we determined that Petitioner was *not* time-barred from filing its Petition, Patent Owner filed a Response. Paper 23 (“PO Resp.”). *See* Inst. Dec. 9–34. Petitioner filed a Reply. Paper 25 (“Pet. Reply”). Patent Owner filed a Sur-Reply. Paper 29 (“PO Sur-Reply”). An oral hearing was held on November 9, 2023. A transcript of the hearing has been entered as Paper 35. (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons explained below, we determine that Petitioner has met its burden of showing by a preponderance of the evidence that claims 3–12 and 15–18 are unpatentable.

A. *Real Parties in Interest*

Petitioner states that ASSA ABLOY AB, ASSA ABLOY Inc., ASSA ABLOY Residential Group, Inc., August Home, Inc., HID Global Corporation, and ASSA ABLOY Global Solutions, Inc., are the real parties

IPR2022-01094
Patent 8,620,039 B2

in interest.¹ Pet. 1. Patent Owner states that CPC Patent Technologies PTY, Ltd., is the real party in interest. Paper 4, 2.

B. Related Matters

Petitioner indicates that it filed a declaratory judgment against Patent Owner with respect to the '039 patent in *ASSA ABLOY AB, et al. v. CPC Patent Technologies Pty Ltd., et al.*, No. 3-22-cv-00694, in the United States District Court for the District of Connecticut. Pet. 1–2. And Petitioner points out that the '039 Patent is asserted against Apple, Inc., in *CPC Patent Technologies Pty Ltd v. Apple Inc.*, No. 3:22-cv-02553, in the United States District Court for the Northern District of California, San Jose Division. *Id.* Petitioner points out that Apple challenged the '039 patent in IPR2022-00600. *Id.* at 2. On October 13, 2023, we entered a Final Written Decision (Paper 22) in IPR2022-00600 finding claims 1, 2, 19, and 20 of the '039 patent invalid for obviousness. Concurrently with this Decision, in IPR2022-01093, we determine that claims 1, 2, 13, 14, 19, and 20 of the '039 patent are invalid for obviousness.

In addition to the proceedings noted by Petitioner, Patent Owner indicates that “the following judicial and/or administrative matters [] may affect, or be affected by, a decision in this proceeding:” *CPC Patent Technologies PTY Ltd. v. HMD Global Oy*, Case No. 6:21-cv-00166 in the United States District Court for the Western District of Texas; IPR2022-00600; IPR2022-00601; IPR2022-00602; IPR2022-01006; IPR2022-01045; IPR2022-01089; and IPR2022-01093. Paper 4, 2–3.

¹ In its Declaratory Judgment Complaint against Patent Owner, Petitioner also refers to ASSA ABLOY Global Solutions, Inc., as “ASSA ABLOY Global Solutions, Inc. (‘Hospitality’).” Ex. 2007, 2.

C. *The '039 Patent (Ex. 1001)*

The '039 patent, titled “Card Device Security Using Biometrics,” relates to a biometric card pointer (BCP) system intended to more efficiently and securely permit a user to store biometric information during a user enrollment phase, and in future verification processes permits the user access their account using an identification (ID) card and biometric information such as a fingerprint. Ex. 1001, code (54), 2:51–3:11.

The '039 patent explains that in the enrollment phase “[t]he card user’s biometric signature is automatically stored the first time the card user uses the verification station in question (this being referred to as the enrolment phase).” *Id.* at 2:62–64. The '039 patent explains further that “[t]he biometric signature is stored at a memory address defined by the (‘unique’) card information on the user’s card as read by the card reader of the verification station.” *Id.* at 2:64–67. Following the enrollment phase, the '039 patent describes that

[a]ll future uses (referred to as uses in the verification phase) of the particular verification station by someone submitting the aforementioned card requires the card user to submit both the card to the card reader and a biometric signature to the biometric reader, which is verified against the signature stored at the memory address defined by the card information thereby determining if the person submitting the card is authorised to do so.

Id. at 3:4–11.² For both enrollment and future uses, the use of the ID card at a verification station “is identical from the card user’s perspective, requiring

² The words “enrolment,” “authorise,” and “authorisation” are the British spellings of “enrollment,” “authorize,” and “authorization.” *See, e.g.*, <https://www.merriam-webster.com/dictionary/authorisation>, last visited Jan.

merely input of the card to the card reader, and provision of the biometric signature ([e.g.] thumbprint or retinal scan etc.) to the biometric reader.” *Id.* at 3:12–15.

Figure 4 of the '039 patent is reproduced below.

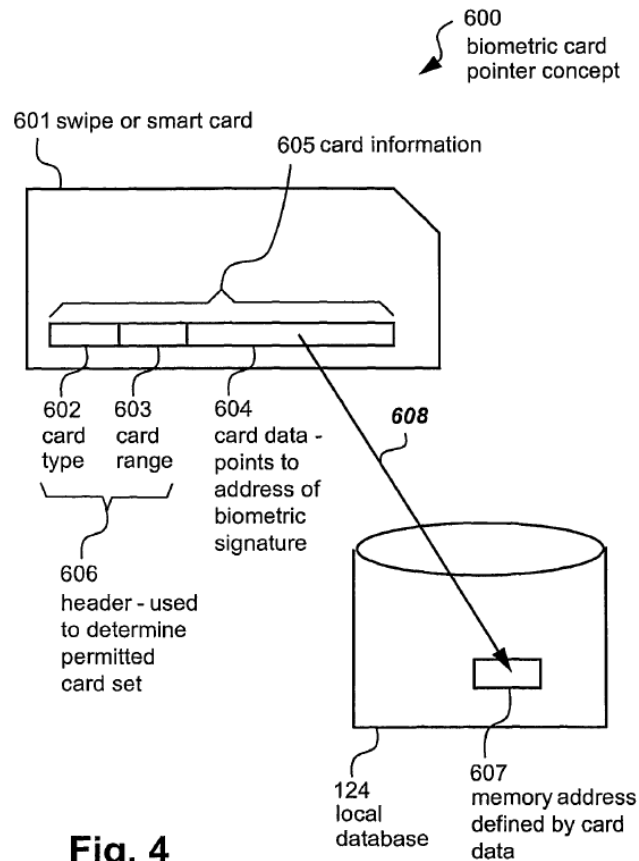


Fig. 4

Figure 4, of the '039 patent, above, illustrates swipe or smart card 601 including card information 605 encompassing fields for card type 602, card range 603, and card data 604. The '039 patent describes that “the card data 604 acts as the memory reference which points, as depicted by an arrow 608,

5, 2023. We will use the American English spelling of these words except where quoted from the '039 patent.

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.