

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, and  
ASSA ABLOY GLOBAL SOLUTIONS, INC.,  
Petitioners,

v.

CPC PATENT TECHNOLOGIES PTY LTD.,  
Patent Owner.

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IPR2022-01093 (Patent 8,620,039)  
IPR2022-01094 (Patent 8,620,039)

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Record of Oral Hearing  
Held: November 9, 2023

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

IPR2022-01093 (Patent 8,620,039)

IPR2022-01094 (Patent 8,620,039)

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Thursday, November 9, 2023, commencing at 1:00 p.m. EDT, at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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IPR2022-01094 (Patent 8,620,039)

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PROCEEDINGS

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JUDGE DANIELS: Good afternoon, everyone. Welcome. It's

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Thursday, November 9th. And we have the next two cases here in this

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series. We have this afternoon the oral hearings for IPR2022-01093 and

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01094, ASSA ABLOY versus CPC Technologies. I'm Judge Daniels. Also,

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here with me are Judge Hagy and Judge Laney.

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Can I get the party's appearances please? We have first from

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Petitioner.

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MR. BREGMAN: Good afternoon, Your Honors. I'm lead

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Counsel, Dion Bregman. With me is my colleague, Andrew Devkar,

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who will be handling the arguments on behalf of the Petitioner today.

13

Believe client representatives Chris Kroby and Yon Sohn are also on the

14

public line.

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JUDGE DANIELS: Thank you. So, Mr. Devkar is doing all the

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arguments today?

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MR. BREGMAN: Yes, sir.

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JUDGE DANIELS: Great. And from Patent Owner?

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MR. COYLE: Good afternoon, Your Honor. Steve Coyle from

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Cantor Colburn, for the Patent Owner CPC. With me today are my

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colleagues, Andrew Ryan and Nicholas Geiger. With the Board's

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permission, I will be handling the bulk of the substantive argument related to

23

the various prior art issues. My colleague Andrew Ryan will -- to the extent

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that there's a discussion of the real party in interest issue, he will handle that.

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JUDGE DANIELS: Great. Thank you, Mr. Coyle. All right. You

26

all have heard this before, but I'll run through the housekeeping issues pretty

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1 quickly. Each party has 60 minutes of total time to present your arguments.  
2 Each party can allocate the time however you choose. When it's your turn,  
3 please just let me know how much time you'd like to reserve for rebuttal.

4 As always, if you are referring to exhibit on the screen -- and you can  
5 share your screen with us, if you if you'd like -- please share for the record  
6 the exhibit and page number or for demonstrative, the slide numbers to  
7 which you're referring. We have this -- we have your demonstratives up as  
8 well as the case file, so we can look at it as well as, again, if you want to  
9 share something through the screen.

10 Petitioner has the burden on the original claims and will go first in  
11 each case. And -- well, you can present both of your cases. Unless you  
12 want to, you can present them both in your first -- in your time. And then  
13 Patent Owner will go second. And as I said, you can each reserve time for  
14 rebuttal.

15 I'll keep the hearing right here with me on my phone. And I already  
16 told the court reporter that we will pause at the end once we've concluded  
17 the hearing in order for her to ask for any clarifications or questions she  
18 might have.

19 All right. And unless there's any questions, we can get going. And  
20 Mr. Devkar, you -- you're up first. Just let me know how much time you  
21 want to reserve.

22 MR. DEVKAR: Thank you, Your Honor. I'd like to reserve 30  
23 minutes, please.

24 JUDGE DANIELS: Okay.

25 MR. DEVKAR: Okay. Good afternoon, Your Honors. May it  
26 please the Board. As you know, we're here to discuss two IPRs which

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1 challenged the claims of the 039 patent. Now, because these IPRs have been  
2 consolidated and have the same disputed issues, I intend for all the points I  
3 make today to apply to all the claims in both IPRs, unless otherwise stated.  
4 Further yonder because the same disputed issues apply to all claims in these  
5 IPRs. We believe that all challenged claims rise or fall together on a narrow  
6 set of issues.

7 I'll share Petitioners' demonstratives here as I get going. So, I'm  
8 going to refer to Petitioners' slide 4 to begin with a little background on the  
9 039 patent to set the context for everyone. Now, the 039 patent was directed  
10 to a style of authentication that use both a user's card, such as a credit card,  
11 smart card or key fob or the like, as well as the user's biometric signature.  
12 For example, a process could be used for authentication at an ATM machine.  
13 According to the 039 patent where you would have a typical card, such as a  
14 credit card, for accessing the ATM machine.

15 But in addition to that card, which would typically have a pin number  
16 or the like, you would also scan your biometric fingerprint -- biometric data,  
17 such as using the fingerprint for a user. And this allowed for improved  
18 security according to the 039 patent because instead of using only a card,  
19 which could be stolen or forged, you're pairing that card with a check against  
20 the user's biometric data. And by adding this verification against a user's  
21 biometric data, such as a fingerprint, the security of the system was  
22 purportedly improved.

23 Now, referring to Petitioners' slide 6, let's look at representative  
24 Claim 1 and figure 4 of the patent, which is the most critical figure in the  
25 039 patent for the disputes at issue in these proceedings. Looking at figure  
26 4, what's shown here is a card or -- that a user would hold. And in that card,

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