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

PETITIONERS' REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE

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Cases

CPC Patent Technologies Pty. Ltd. ("CPC") devotes its entire Patent Owner Preliminary Response ("POPR") to a meritless real-party-in-interest ("RPI") theory that is contrary to both fact and law. The Board has already rejected this same RPI theory when instituting related IPR2022-01006, which involves the same Petitioners and Patent Owner. Just as the Board correctly determined in IPR2022-01006 (Paper 27), the evidence confirms that Apple was not involved at all in this petition and is not an RPI. Apple never knew the petition would be filed, never requested that it be filed, and never directed, controlled or contributed to it financially or otherwise. Petitioners filed their petition based on their own interests, without any consideration of Apple. Further, Apple has its own IPR petition challenging the patent-at-issue. Petitioners likewise had no involvement in Apple's petition.

Absent any facts to support a viable RPI theory, CPC instead argues that a standard business relationship between Apple and Petitioners makes Apple an RPI and privy. Not so. Petitioners and Apple have a standard business relationship like that of over 34 million application developers on Apple's platform (EX-1024 at 6-7) and hundreds of MFi Program participants (collectively its business partners). EX-1025. The Board rejected CPC's theory: the "common form of conducting business, without more, does *not* establish a relationship sufficient to make Apple a real party-in-interest or a privy of Petitioner..." IPR2022-01006, Paper 27 at 35.

It would be a radical departure from the law—and from common sense—to

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