

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

AIRE TECHNOLOGY LIMITED,
Patent Owner

IPR2022-01137
U.S. Patent No. 8,581,706

**PETITIONER'S REPLY
TO PATENT OWNER'S RESPONSE**

TABLE OF CONTENTS

PETITIONER'S EXHIBIT LIST iii

I. INTRODUCTION 1

II. THE PETITION ESTABLISHES THAT A POSITA WOULD HAVE BEEN MOTIVATED TO COMBINE GUTHERY WITH NOZAWA 1

 A. Patent Owner addresses the wrong embodiment of Guthery..... 4

 B. A POSITA would have a reasonable expectation of success when modifying Guthery to incorporate Nozawa's technique as proposed. 8

III. THE PETITION ESTABLISHES THAT A POSITA WOULD HAVE BEEN MOTIVATED TO COMBINE GUTHERY WITH THE RFID HANDBOOK 10

IV. PATENT OWNER'S ATTORNEY ARGUMENT IS ENTITLED TO LITTLE WEIGHT 13

V. CLAIM 18 IS OBVIOUS OVER GUTHERY IN VIEW OF THE SMART CARD HANDBOOK 14

VI. CONCLUSION..... 15

CERTIFICATE OF WORD COUNT 16

CERTIFICATE OF SERVICE 17

PETITIONER'S EXHIBIT LIST

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| Ex.1001 | U.S. Patent No. 8,581,706 |
| Ex.1002 | Prosecution History of U.S. Patent No. 8,581,706 |
| Ex.1003 | Declaration of Dr. Joshua Phinney under 37 C.F.R. § 1.68 |
| Ex.1004 | <i>Curriculum Vitae</i> of Dr. Joshua Phinney |
| Ex.1005 | U.S. Patent No. 6,824,064 to Guthery et al. ("Guthery") |
| Ex.1006 | JP2000163539 to Nozawa et al. ("Nozawa") – Certified English Translation |
| Ex.1007 | <i>RFID Handbook: Radio-Frequency Identification Fundamentals and Applications</i> , Klaus Finkenzeller (1999) |
| Ex.1008 | <i>Smart Card Handbook: Third Edition</i> , Wolfgang Rankl (3 rd ed. 2003) |
| Ex.1009 | Reserved. |
| Ex.1010 | Reserved. |
| Ex.1011 | Complaint, <i>Aire Technology Ltd. v. Apple Inc.</i> 6-21-cv-01101 (W.D. Tex. Oct. 22, 2021) |
| Ex.1012 | Infringement Contentions, <i>Aire Technology Ltd. v. Apple Inc.</i> 6-21-cv-01101 (W.D. Tex. Oct. 22, 2021) |
| Ex.1013 | Scheduling Order, <i>Aire Technology Ltd. v. Apple Inc.</i> 6-21-cv-01101 (W.D. Tex. Oct. 22, 2021) |
| Ex.1014 | Standing Order Governing Proceedings (OGP) 4.1 |
| Ex.1015 | Complaint, <i>Aire Technology Ltd v. Samsung Electronics Co., Ltd.</i> , 6:21-cv-00955 (W.D. Tex. Sep. 15, 2021) |
| Ex.1016 | JP2000163539 to Nozawa et al. (original) |
| Ex.1017 | Internet Archive capture of "Wiley:Smart Card Handbook, 3 rd |

IPR2022-01137 (U.S. Patent 8,581,706)
Petitioner's Reply to Patent Owner's Response

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| | Edition,” https://web.archive.org/web/20041026102425/http://www.wiley.com:80/WileyCDA/WileyTitle/productCd-0470856688.html (archived October 26, 2004) |
| Ex.1018 | Declaration of Franchesca Ruiz |
| Ex.1019 | Reserved. |
| Ex.1020 | Reserved. |
| Ex.1021 | Reserved. |
| Ex.1022 | Reserved. |
| Ex.1023 | Federal District Court Trial Statistics (June 2022) |
| Ex.1024 | Email chain with Board granting Petitioner's request to file preliminary reply briefs |
| Ex.1025 | Plaintiff Aire Technology Ltd.'s Motion to Amend Preliminary Infringement Contentions, <i>Aire Technology Ltd. v. Apple Inc.</i> 6-21-cv-01101 (W.D. Tex. Sept. 30, 2022) |
| Ex.1026 | Supplemental Declaration of Dr. Joshua Phinney under 37 C.F.R. § 1.68 |

I. INTRODUCTION

The Petition, relying on Dr. Phinney's expert testimony, provides detailed reasons why a person of skill in the art ("POSITA") would have found claims 1-3, 11, 12, 16, 18, and 20 of the '706 patent obvious over Guthery in view of Nozawa. Patent Owner's Response (Paper 17, "Response"), which relies entirely upon attorney argument, fails to refute this evidence-based showing.

With respect to Ground 1, Patent Owner attacks a strawman version of the proposed combination—one that relies on the wrong embodiment of Guthery. With respect to Grounds 2 and 4, Patent Owner bases its argument on the notion that Guthery's RAM "could not possibly be subject to segmentation." Response, 19. Guthery, however, expressly states that its RAM "is logically partitioned into a plurality of memory blocks." Ex.1005, 4:1-8.

Accordingly, Petitioner respectfully requests that the Board find each of the challenged claims unpatentable.

II. THE PETITION ESTABLISHES THAT A POSITA WOULD HAVE BEEN MOTIVATED TO COMBINE GUTHERY WITH NOZAWA

Patent Owner's arguments fail because they rely on a strawman version of the combination proposed by the Petition and ignore the actual teachings of Guthery. Guthery explains that to select an application, the host/reader sends a "Request-to-Send packet" to the smart card. Ex.1005, 8:65-9:2; Petition, 28. Then,

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