

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

AIRE TECHNOLOGY LIMITED,
Patent Owner.

IPR2022-01137
Patent 8,581,706 B2

Held: October 2, 2023

Before: MIRIAM L. QUINN, JEFFREY S. SMITH, and
BRIAN J. McNAMARA, *Administrative Patent Judges.*

IPR2022-01137
Patent 8,581,706 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

CALMANN J. CLEMENTS, ESQUIRE
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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on October 2, 2023,
commencing at 2:05 p.m., via video teleconference.

P R O C E E D I N G S

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JUDGE SMITH: So, this is IPR2022-01137, Apple vs. Aire Technology. Everybody is familiar with the drill by now. Let me just say that for this case, because there's a motion to amend, we've allocated 75 minutes per side. And with that, Petitioner, will you state your appearance and the names of those who are here with you?

MR. JARRATT: Thank you, Your Honor. This is Scott Jarratt with Haynes and Boone, lead counsel for Petitioner Apple. Also with us is Calmann Clements, also of Haynes and Boone. He will be presenting today. And also on the screen is Jamie Raju, also of Haynes and Boone.

JUDGE SMITH: Okay. And, Petitioner, do you wish to reserve time for rebuttal?

MR. CLEMENTS: Yes, Your Honor. I'll reserve 25 minutes.

JUDGE SMITH: Okay. And Patent Owner can you do the same? State your appearance, and the names of those who are here with you?

MR. AUCHTER: Yes, Your Honor. My name is Robert Auchter, A-U-C-H-T-E-R. With me also is Mr. Papageorgiou who will be arguing the motion to amend. I believe Mr. Petrsonic is here as well, but he will not be arguing at this hearing.

JUDGE SMITH: Do you wish to reserve time for sur-rebuttal?

MR. AUCHTER: Yes, Your Honor. We would like to divide our time between both the response Petition, and the motion to amend if we might. For the response to the Petition we would like to allocate 45 minutes. And for the response to the motion to amend -- for the motion to amend

1 rather, we would like to allocate 30 minutes. Within that subdivision, we
2 would like to allocate 10 minutes for sur-rebuttal on the Petition.

3 JUDGE SMITH: So I added the 75 minutes, 65 minutes will be
4 for your case-in-chief, and 10 minutes will be for sur-rebuttal.

5 MR. AUCHTER: I was actually thinking more of 45 minutes for
6 the case in chief because I was separating out the motion to amend, Your
7 Honor, as a separate discussion.

8 JUDGE SMITH: So, I mean, 65 minutes total for your main
9 presentation, including motion to amend. But let me rephrase it. For sur-
10 rebuttal, you just want 10 minutes, is that right?

11 MR. AUCHTER: For the case-in-chief in response to the Petition,
12 yes, Your Honor. I'm not sure how much time Mr. Papageorgiou would like
13 to have with respect to the motion to amend.

14 JUDGE SMITH: Okay. I'm not subdividing the time the way -- I
15 mean, if you want to subdivide the time among you and your co-counsel,
16 that's fine. I'm just dividing it into your main presentation and your sur-
17 rebuttal. So for your sur-rebuttal total of everything, how much do you and
18 your co-counsel want total for everything?

19 MR. AUCHTER: What would you like Mr. Papageorgiou?

20 MR. PAPAGEORGIU: Ten minutes is fine. So 20 minutes
21 total.

22 JUDGE SMITH: Okay. Twenty minutes. Okay, so between the
23 two of you, you'll have 55 minutes total between the two of you. You can
24 split it however you want, but I'm, you know, again I'm just going to keep
25 track of the time and then mention when your time has expired. I'm not

1 going to call out the time. During your presentation, I ask you to track your
2 own time. So, Mr. Papageorgiou and Mr. Auchter, if you want to divide the
3 time among yourselves, I ask the two of you to do that yourselves. I'll
4 allocate 55 minutes for the two of you to make your case. So, Petitioner,
5 you have 50 minutes to make your case, and you can begin when ready.

6 MR. CLEMENTS: Thank you, Your Honors, and good afternoon.
7 My name is Calmann Clements, representing Petitioner Apple. Let's start
8 with slide 2 of Petitioner's demonstratives. So the '706 Patent describes and
9 claims no more than the known concept of operating a smart card having
10 multiple applications. And when the smart card, which is also referred to as
11 a data carrier, comes into close proximity with a reader, the reader can
12 interact with particular applications on that smart card. For example, an
13 employee badge reader would interact with an employee badge application,
14 or a credit card reader would interact with a credit card application. Now,
15 the '706 Patent was allowed after the applicant added the concept of using
16 application identifiers to the claims. And as I will discuss today, the prior
17 art teaches that concept as well as the other concepts that are in the claims.

18 Turning to slide 3, we will start our discussion of Ground 1, which
19 relies on the combination of Guthery and Nozawa. Turning to slide 4,
20 Independent Claims 1 to 11 are shown here, and the claims recite various
21 concepts here. And shown in yellow is the concept that got the claims
22 allowed, using identification numbers for communicating with multiple
23 applications. The claims also relate to other known concepts such as
24 communication readiness signals, as shown and highlighted in blue here, and
25 then also storing a past selection history as highlighted in green.

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