

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

RFCYBER CORP.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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Case No. 6:21-cv-00916-ADA-DTG

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with the Scheduling Order (Dkt. 29), Plaintiff RFCyber Corp. (“RFCyber”) and Defendant Apple, Inc. (“Apple”) submit this Joint Claim Construction Statement. Pursuant to the Standing Order Governing Proceedings (OGP) 4.1 – Patent Cases, an editable copy of this statement is being emailed to the Court’s law clerks.

The Asserted Patents are U.S. Patent Nos. 8,118,218 (“the ’218 patent”); 8,448,855 (“the ’855 patent”); 9,189,787 (“the ’787 patent”); 9,240,009 (“the ’009 patent”); 10,600,046 (“the ’046 patent”); and 11,018,724 (“the ’724 patent”).

I. AGREED CONSTRUCTIONS

Term	Agreed Construction
“emulator” ’218 patent, claims 1, 3, 6, 11-12, 14 ’855 patent, claims 1-2, 5-6, 9, 11, 14-15 ’787 patent, claims 1, 3, 10-11, 13, 16	“hardware device or program that pretends to be another particular device or program that other components expect to interact with”
“payment gateway” ’046 patent, claim 1	“server or collection of servers for settling a payment”
“emulator device” ’724 patent, claims 1, 3, 8	“hardware device, alone or containing software, that pretends to be another particular device or program that other components expect to interact with”
“payment server” ’218 patent, claims 1, 3, 5, 7-8, 11, 14-16	“server for enabling payments”
“security authentication module” / “SAM” ’218 patent, claims 1, 3, 11, 14 ’855 patent, claims 1, 9 ’787 patent, claims 6, 16	“hardware or software module containing data to authenticate transactions”
“smart card”/“smart card module”/“card module”	No construction necessary; plain and ordinary meaning

'218 patent, claims 1, 11-12 '855 patent, claims 1-3, 9-12 '787 patent, claims 1, 6, 8-9, 11, 16, 18-19	
“smart card pre-loaded with the emulator” '218 patent, claims 1, 11	No construction necessary; plain and ordinary meaning
“midlet” '218 patent, claims 1, 5, 7-8, 11, 15-16 '855 patent, claims 1, 9 '787 patent, claims 1, 10	No construction necessary; plain and ordinary meaning
“personalization”/“personalizing” '218 patent, claims 1, 4-6, 11-12 '855 patent, claims 1, 3, 9, 12 '787 patent, claims 1-2, 6-7, 11-12, 16-17 '009 patent, claims 6-7, 17	No construction necessary; plain and ordinary meaning
“security channel” / “secured channel” '218 patent, claims 1, 3, 11, 14 '855 patent, claims 1, 4, 9, 13 '787 patent, claims 1, 2, 6, 11, 12, 16 '009 patent, claims 1, 4, 14 '724 patent, claims 1, 8	No construction necessary; plain and ordinary meaning

The parties request that the Court enter the above agreed constructions.

II. DISPUTED TERMS

The parties provide the following list of disputed terms for construction.

Term	RFCyber's Construction	Apple's Construction
"e-purse" "electronic purse" '218 patent, claims 1, 3, 5, 7, 10-11, 14-15, 18 '855 patent, claims 1, 3-5, 9, 12-14 '787 patent, claims 1, 3, 11, 13 '009 patent, claim 3 '046 patent, claim 1 Proposed by both parties	"software that stores electronic financial information in a local device"	"software that stores electronic financial information, including electronic value, in a local portable device"
"e-purse applet" '218 patent, claims 1, 3-7, 11-12, 14-15 '855 patent, claims 1, 3-4, 6, 9, 12-13, 15 '787 patent, claims 1-2, 5-6, 11-12, 15-16 Proposed by Apple	No construction necessary other than "e-purse" Alternatively, "applet for use with an e-purse"	"[applet] software that stores electronic financial information, including electronic value, in a local portable device"

Term	RFCyber's Construction	Apple's Construction
<p>“application”</p> <p>'787 patent, claims 1, 11</p> <p>'009 patent, claims 1-4, 6, 9, 13-14</p> <p>'046 patent, claim 1</p> <p>'724 patent, claims 1, 3, 7, 8</p> <p>Proposed by Apple</p>	<p>Plain and ordinary meaning, no construction necessary</p>	<p>“software program suitable for being executed on a portable device”</p> <p>Alternatively, “software program suitable for being executed”</p>

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