

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.
Petitioner

v.

RFCYBER CORP.,
Patent Owner

Inter Partes Review Case No. IPR2022-01239
U.S. Patent No. 10,600,046

SUPPLEMENTAL DECLARATION OF GERALD W. SMITH

Declaration of Gerald W. Smith
Patent No. 10,600,046

I, Gerald Smith, declare as follows:

I. INTRODUCTION

1. My name is Gerald Smith, and I am over 21 years of age and otherwise competent to make this Declaration. I make this Declaration based on facts and matters within my own knowledge and on information provided to me by others.

2. I submitted an original declaration (Ex. 1003) in support of Petitioner's Petition for *Inter Partes* Review of U.S. Patent No. 10,600,046 (the "'046 Patent"). I understand the PTAB instituted the requested review and that the proceeding involves the full scope of the proposed grounds addressed in my initial declaration. I have been asked to address a few additional issues raised by Patent Owner in Patent Owner's Response dated May 19, 2023 and the accompanying expert declaration of Dr. Alfred C. Weaver (Ex. 2001). All of my opinions expressed in my original declaration (Ex. 1003) remain the same.

3. As part of my work and in forming my opinions in connection with this proceeding, I have reviewed the following materials. For any prior art listed below, it is my opinion persons of ordinary skill in my field would reasonably rely upon such prior art in forming opinions regarding the subject matter of this proceeding:

- Materials relied on for my previous Declaration
- Institution Decision ("ID") (Paper 7)
- Patent Owner's Response ("POR") (Paper 11)
- Declaration of Alfred C. Weaver (Ex. 2001)
- Transcript of Deposition of Alfred C. Weaver (Ex. 1028)

- Any other materials cited below

II. SUPPLEMENTAL OPINIONS REGARDING THE COMBINATION OF LARACEY AND JOGU

A. *In Laracey's dynamic checkout token embodiments, the mobile device need not request account information from the TMS*

4. As I explained in my original declaration, while *Laracey* contemplates two types of checkout tokens, (1) static checkout tokens, and (2) dynamic checkout tokens, my analysis—and the proposed grounds in the petition—focused on the teachings of *Laracey* that pertain to dynamic checkout tokens. I made a number of observations about *Laracey's* dynamic checkout token embodiments. In ¶79 of my original declaration, I observed that *Laracey* teaches embodiments in which **“all of the transaction details may be encoded in a dynamic checkout token [so that] when captured and processed by the mobile device 102, provides the transaction details to the mobile device 102,”** *Laracey*, ¶38 (emphasis added), *see also* ¶55 (teaching dynamic checkout tokens are used to communicate transaction details from the merchant 208 to the mobile device 202). Similarly, I noted that, when dynamic checkout tokens are used to transmit transaction details from the POS to the user's mobile device, *Laracey* expressly teaches that **“no transaction details need be received by the mobile device 202 from the transaction management system 230[.]”** *Id.*, ¶60 (emphasis added).

5. In ¶¶ 80-82 and 92 of my original declaration, I contrasted the static checkout token as taught by *Laracey* with its dynamic checkout token teachings. As I explained, in the case of a static checkout token, “the mobile device 102 transmits the token to the transaction management system 130 in a customer transaction lookup request message [...]” *Laracey*, ¶35. The transaction management system 130 will then match the information in the customer transaction lookup request with information received from the merchant 108 that was also sent to the transaction management system 130. Once a match is found the transaction management system 130 will then “transmit[] a transaction detail message (via path 114) to the customer’s mobile device 102[,]” thus providing the customer with details about the transaction. *Id.*, ¶36. In contrast, when a dynamic checkout token is used, the mobile device need not obtain transaction details from the TMS. Once a dynamic token is captured, *Laracey* teaches that the mobile device processes the dynamic token to reveal transaction information related to the transaction for which the dynamic token was created (i.e., capture data directly from a tag). *Id.*, ¶19 (teaching that “the term ‘capture’ further includes any decoding or image processing of a checkout token required to retrieve or otherwise obtain information from the checkout token.”), ¶38 (teaching “when captured and processed by the mobile device 102, [a dynamic checkout token] provides the transaction details to the mobile device 102”), ¶ 82 (teaching a dynamic checkout token will reveal “the total transaction amount and

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