

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARMIN INTERNATIONAL, INC., GARMIN USA, INC., AND
GARMIN LTD.,
Petitioners,

v.

AIRE TECHNOLOGY LIMITED,
Patent Owner.

IPR2023-00188
Patent 8,581,706 B2

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

SMITH, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

Granting Motion for Joinder
35 U.S.C. § 315(c), 37 C.F.R. § 42.122

I. INTRODUCTION

A. Background and Summary

Garmin International, Inc., Garmin USA, Inc., and Garmin Ltd. (collectively “Petitioner”), filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1–3, 11, 12, 16, 18, and 20 of U.S. Patent No. 8,581,706 B2 (Ex. 1001, “the ’706 patent”) pursuant to 35 U.S.C. § 311(a). Petitioner also filed a Motion for Joinder seeking to be joined as a party to *Apple Inc. v. Aire Technology Limited*, IPR2022-01137 (“the Apple IPR”), which involves the same claims of the ’706 patent. Paper 3 (“Motion” or “Mot.”).

Aire Technology Ltd. (“Patent Owner”), did not oppose Petitioner’s Motion. Patent Owner also did not file a Preliminary Response to the Petition.

For the reasons explained below, we determine that institution of *inter partes* review is warranted on the same grounds instituted in the Apple IPR, and we grant Petitioner’s Motion for Joinder.

II. REAL PARTIES IN INTEREST

Petitioner identifies Garmin International, Inc., Garmin USA, Inc., and Garmin Ltd. as the real parties-in-interest. Pet. 88. Patent Owner identifies itself (Aire Technology Ltd.) as its sole real party-in-interest. Paper 5, 2.

III. RELATED MATTERS

The Petition states that the ’706 patent is the subject of the following proceedings:

Aire Technology Ltd. v. Google LLC, No. 6-21-01104, W.D. Tex., filed Oct. 25, 2021;

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Aire Technology Ltd. v. Apple, Inc., No. 6-21-01101, W.D. Tex., filed Oct. 22, 2021;

Aire Technology Ltd. v. Samsung Electronics co, Ltd. et al., No. 6-21-00955 W. D. Tex., filed Sep. 15, 2021;

Samsung Electronics Co., Ltd. v. Aire Technology Ltd., IPR2022-00876 (PTAB, May 2, 2022)

Aire Technology Ltd. v. Garmin International, Inc., No. 8-22-01027, C.D. Ca., filed May 20, 2022.

Apple Inc. v. Aire Technology Ltd., IPR2022-01137 (PTAB, June 15, 2022).

Pet. 88.

IV. THE '706 PATENT

The '706 patent relates to “a method for contactless communication of at least two applications stored on a common portable data carrier.”

Ex. 1001, 1:8–11. The background of the '706 patent explains “that a plurality of applications can be located on a portable data carrier at the same time.” *Id.* at 2:5–9. The '706 patent describes that the portable data carrier transmits communication-readiness signals for each of its applications to the reading device. *Id.* at 3:5–20. For example, “a first communication-readiness signal to the reading device is generated for a first of the at least two applications . . . indicating to the reading device the communication readiness of said first application.” *Id.* at 3:8–13. Additionally, “a second communication-readiness signal to the reading device is generated for a second of the at least two applications . . . and indicates to the reading device the communication readiness of said second application.” *Id.* at 3:13–20.

The communication-readiness signals include an application identification

number assigned to the corresponding application. *Id.* at 3:5–20. Figure 1 of the '706 patent is reproduced below.

FIG 1

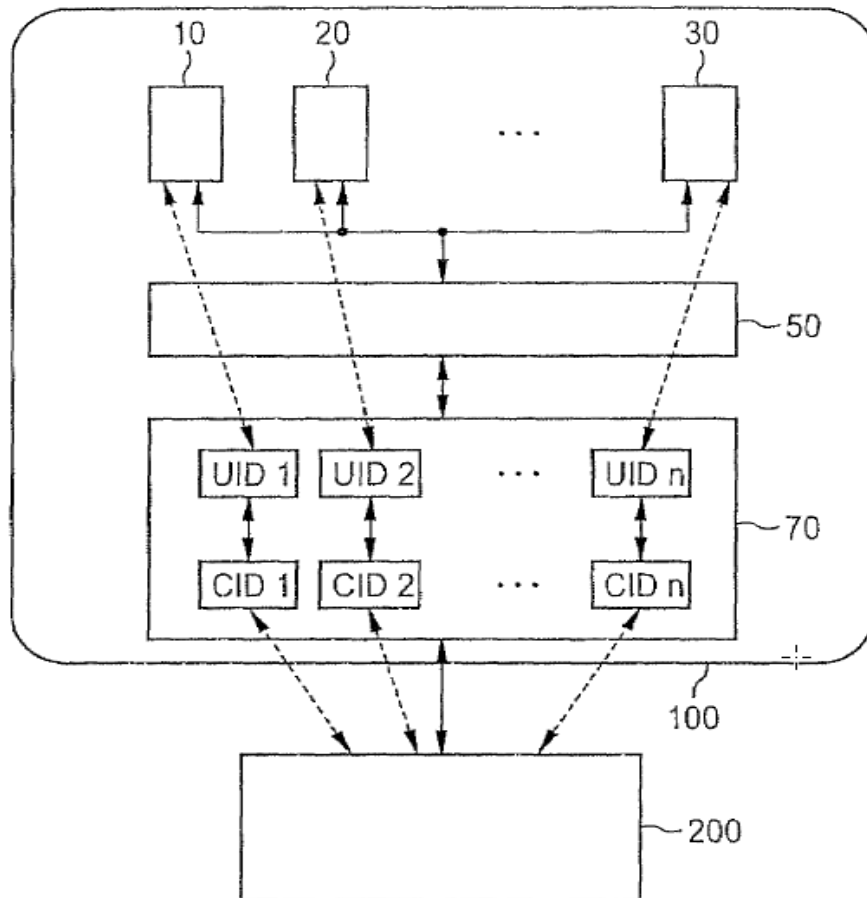


Figure 1 above illustrates data carrier 100 and reading device 200. Ex. 1001, 7:8–10. Applications 10, 20, 30 are located on the data carrier. *Id.* at 7:10–11. Toggling device 50 is set up to toggle between the different applications. *Id.* at 7:12–13. Each of the applications is assigned an identification number UID1, UID2, UIDn, which are managed by communication device 70. *Id.* at 7:14–17. When the reading device enters into communication with one or more applications, the reading device can select them for further communication via the identification numbers and

address them by means of session numbers CID1, CID2, CIDn. *Id.* at 7:17–21.

V. ILLUSTRATIVE CLAIM

Challenged claim 1 of the '706 patent recites:

1. A method for contactless communication of a reading device with at least two communication-ready applications located on a portable data carrier, comprising the steps:

generating a first communication-readiness signal to the reading device for a first of the at least two applications, the communication-readiness signal comprising a first identification number which is assigned to the first of the at least two applications and indicates to the reading device the communication readiness of said first application, and

generating a second communication-readiness signal to the reading device for a second of the at least two applications, the second communication-readiness signal comprising a second identification number different from the first identification number, which is assigned to said second application and indicates to the reading device the communication readiness of said second application, and

storing information in a nonvolatile memory of the data carrier about which of the at least two applications was last selected for further communication by the reading device,

wherein the reading device selects for further communication one or more of the at least two applications via the identification numbers assigned to the applications.

Ex. 1001, 11:34–59.

VI. ASSERTED GROUNDS

Petitioner asserts that claims 1–3, 11, 12, 16, 18, and 20 of the '706 patent are unpatentable on the following grounds.

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