

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

Before MIRIAM L. QUINN, JEFFREY S. SMITH, and
BRIAN J. McNAMARA,

SMITH, *Administrative Patent Judge.*

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
Denying Patent Owner's Motion to Amend
35 U.S.C. § 318(a)

I. INTRODUCTION

Petitioner, Apple Inc., 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), which we instituted (Paper 11, “Dec.”). Patent Owner Aire Technology Limited filed a Response to the Petition. Paper 17 (“PO Resp.”). Petitioner filed a Reply (Paper 20, “Pet. Reply”) and Patent Owner filed a Sur-Reply (Paper 22, “PO Sur-Reply”). Patent Owner also filed a Contingent Motion to Amend (Paper 16, “Mot.”), Petitioner filed an Opposition to the Motion to Amend (Paper 19, “Opp.”), Patent Owner filed a Reply to the Opposition (Paper 23, “Reply to Opp.”), and Petitioner filed a Sur-Reply to the Motion to Amend (Paper 26, “Sur-Reply to Mot.”). A hearing was held on October 2, 2023 and a transcript (“Tr.”) was entered into the record. Paper 30.

We have jurisdiction to conduct this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons discussed below, we determine claims 1–3, 11, 12, 16, 18, and 20 are unpatentable, and Patent Owner’s Motion to Amend is *denied* with respect to proposed substitute claims 23–26.

II. REAL PARTIES-IN-INTEREST

Petitioner identifies itself (Apple, Inc.) as its sole real party-in-interest. Pet. 90. Patent Owner identifies itself (Aire Technology Ltd.) as its sole real party-in-interest. Paper 4, 2.

III. RELATED MATTERS

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

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

Aire Technology Ltd. v. Apple, Inc., No. 6-21-01101, W.D. Tex., filed Oct. 22, 2021 (“the Apple litigation”);

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.

Pet. 68. Patent Owner identifies the following additional proceedings as “related current and/or former proceedings involving the patent at issue.”

Paper 4, 2–3.

Samsung Electronics Co., Ltd. v. Aire Technology Ltd., IPR2022-00874 (PTAB April 22, 2022);

Samsung Electronics Co., Ltd. v. Aire Technology Ltd., IPR2022-00875 (PTAB April 22, 2022);

Samsung Electronics Co., Ltd. v. Aire Technology Ltd., IPR2022-00877 (PTAB May 2, 2022);

Apple Inc. v. Aire Technology Ltd., IPR2022-01135 (PTAB June 15, 2022);

Apple Inc. v. Aire Technology Ltd., IPR2022-01136 (PTAB June 15, 2022).

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

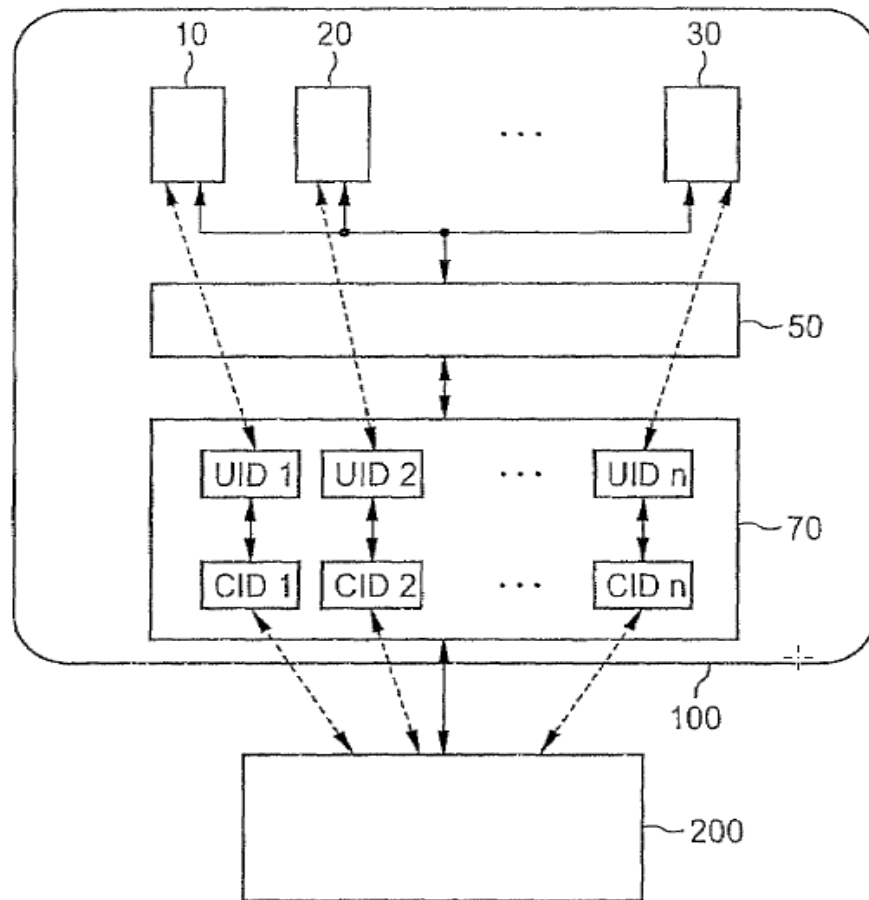


Figure 1 above illustrates data carrier 100 and reading device 200. Ex. 1001, 7:8–10. Applications 10, 20, 30 are located on the data carrier. *Id.* at 7:10–11. Toggling device 50 is set up to toggle between the different applications. *Id.* at 7:12–13. Each of the applications is assigned an identification number UID1, UID2, UIDn, numbers 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 dynamically assigned session numbers CID1, CID2, CIDn. *Id.* at 7:17–21.

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