

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BANK OF AMERICA, N.A.; TRUIST BANK; BOKF, N.A.; WELLS FARGO
BANK, N.A.; AND PNC BANK, N.A.,

Petitioner,

v.

DYNAPASS IP HOLDINGS LLC,

Patent Owner.

Case No. IPR2023-00367

Patent No. 6,993,658

DECLARATION OF DR. PETER LAWRENCE REIHER

Table of Contents

I. Introduction.....1

II. Qualifications.....1

III. Materials Considered.....4

IV. Relevant Legal Standards8

 A. Level of Ordinary Skill in the Art.....11

 B. Claim Construction13

V. The '685 Patent.....16

 A. Overview of the '658 Patent.....16

 B. Summary of the Prosecution History of the '658 Patent18

VI. Grounds of Unpatentability21

VII. State of the Art.....21

 A. Two-factor Authentication (2FA) was Well Known.21

 B. Cell Phones and Cell Networks were Well Known.....23

 C. Use of Mobile Tokens was Well Known.....27

 D. Contatenation of a Random Number and a Password was Well Known.27

VIII. Ground 1: Guthrie in Combination with Sormunen Renders Obvious Claims 1-3 and 5-7.....30

 A. Guthrie-Sormunen Combination30

 1. Summary of the Guthrie-Sormunen Combination.....30

 2. Guthrie and Sormunen Are Analogous Art and Combinable...33

 3. A person of ordinary skill in the art Would Been Motivated to Implement Sormunen’s Mobile Station and Method for

Requesting and Obtaining Authentication Data at a Mobile Station in Guthrie to Improve Security.....36

B. Independent Claims43

 1. Claim 143

 2. Claim 567

C. Dependent Claims75

 1. Claim 2: “The method of claim 1, wherein the new password is generated by concatenating the token and the passcode.”75

 2. Claim 3: “The method of claim 1, wherein the personal communication device is a mobile phone.”77

 3. Claim 6: “The system of claim 5, wherein the communication module is further configured to receive a request from the user for the token, and wherein the control module is further configured to create the new password in response to the request.”77

 4. Claim 7: “The system of claim 6, wherein the request is transmitted by the user through the personal communication device.”78

IX. Ground 2: Kato in Combination with Guthrie Renders Obvious Claims 1-3 and 5-778

 A. Kato-Guthrie Combination.....78

 1. Summary of the Kato-Guthrie Combination78

 2. Kato and Guthrie are Analogous Art and Combinable.....79

 3. A person of ordinary skill in the art Would Be Motivated to Add Guthrie’s Challenge-Response Process to Kato’s Three-Device Architecture and Would Have Had a Reasonable Expectation of Success in Doing So82

 B. Independent Claims92

- 1. Claim 192
- 2. Claim 5113
- C. Dependent Claims118
 - 1. Claim 2: “The method of claim 1, wherein the new password is generated by concatenating the token and the passcode.”118
 - 2. Claim 3: “The method of claim 1, wherein the personal communication device is a mobile phone.”118
 - 3. Claim 6: “The system of claim 5, wherein the communication module is further configured to receive a request from the user for the token, and wherein the control module is further configured to create the new password in response to the request.” Claim 7: “The system of claim 6, wherein the request is transmitted by the user through the personal communication device.”118
- X. Conclusion119

I. INTRODUCTION

1. I, Dr. Peter Lawrence Reiher, submit this declaration to state my opinions on the matters described below.

2. I have been retained on behalf of Petitioners as an independent expert for the above-identified *inter partes* review proceeding involving U.S. Patent No. 6,993,658 (“the ’658 Patent”). Although I am being compensated for my time in connection with this IPR at my standard hourly consulting rate and reimbursed for reasonable out-of-pocket expenses, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

3. I have been asked to provide my technical review, analysis, insights, and opinions regarding the ’658 Patent and the above-noted references that form the basis for the invalidity grounds set forth in the Petition for *Inter Partes* Review of the ’658 Patent.

II. QUALIFICATIONS

4. I believe that I am well qualified to serve as a technical expert in this matter based upon my educational and work experience.

5. I received a BS in Electrical Engineering, specializing in computer science, from the University of Notre Dame in 1979. I received my MS in Computer Science from UCLA in 1983, and my Ph.D. in Computer Science from UCLA in 1987. After spending five years working on an operating systems project

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.