

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EXPERIAN INFORMATION SOLUTIONS, INC.,  
Petitioner,

v.

DYNAPASS IP HOLDINGS LLC,  
Patent Owner.

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IPR2023-01406  
Patent 6,993,658 B1

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Before KEVIN F. TURNER, KRISTEN L. DROESCH, and  
LYNNE H. BROWNE, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

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

## I. INTRODUCTION

Experian Information Solutions, Inc. (“Petitioner”) filed a Petition (Paper 2 (“Pet.”)), seeking *inter partes* review of claims 1–7 (“the challenged claims”) of U.S. Patent No. 6,993,658 B1 (Ex. 1001 (“the ’658 patent”)). See Pet. 2. Dynapass IP Holdings LLC (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); see 37 C.F.R. § 42.108 (2022). Upon consideration of the Petition and the evidence of record, we conclude that the information presented in the Petition does not establish that there is a reasonable likelihood that Petitioner would prevail in challenging at least one of claims 1–7 of the ’658 Patent as unpatentable under the grounds presented in the Petition. Pursuant to § 314, we hereby deny institution of an *inter partes* review as to the challenged claims of the ’658 Patent.

### A. *Real Parties in Interest*

Petitioner identifies itself, Experian Information Solutions, Inc., as the only real party-in-interest. Pet. 53. Patent Owner identifies itself, Dynapass IP Holdings LLC and DynaPass Inc., as the only real parties-in-interest. Paper 4, 1.

### B. *Related Matters*

Petitioner indicates that the ’658 Patent is at issue in the following district court litigation: identify *Dynapass IP Holdings, LLC v. Amazon.com Inc.*, No. 2:23-cv-00063 (E.D. Tex.); *Dynapass IP Holdings, LLC v. The Charles Schwab Corporation*, No. 2:23-cv-00064 (E.D.); *Dynapass IP*

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*Holdings, LLC v. Experian Information Services, Inc.*, No. 2:23-cv-00066 (E.D. Tex.); *Dynapass IP Holdings, LLC v. Simmons First National Corporation*, No. 2:23-cv-00068 (E.D. Tex. filed); *Dynapass IP Holdings, LLC v. Bank of America Corporation*, No. 2:22-cv-000210 (E.D. Tex.); *Dynapass IP Holdings, LLC v. BOKF, National Association*, No. 2:22-cv-000211 (E.D. Tex.); *Dynapass IP Holdings, LLC v. JPMorgan Chase & Co.*, No. 2:22-cv-000212 (E.D. Tex.); *Dynapass IP Holdings, LLC v. PNC Financial Services Group, Inc.*, No. 2:22-cv-000214 (E.D. Tex.); *Dynapass IP Holdings, LLC v. Truist Financial Corporation*, No. 2:22-cv-000216 (E.D. Tex.); *Dynapass IP Holdings, LLC v. Wells Fargo & Company*, No. 2:22-cv-000217 (E.D. Tex.); and *Jack Henry & Associates, Inc. v. Dynapass IP Holdings LLC*, No. 1:23-cv-00388 (D. Del.). Pet. 53–55. In addition, Patent Owner identifies district court litigation involving the '658 patent that was dismissed with prejudice. Paper 4, 1–4. As litigation that is dismissed with prejudice cannot affect or be affected by a decision in this proceeding, we do not list these matters.

Petitioner indicates that the '658 patent is involved in the following proceedings before the Board: *Unified Patents, LLC v. Dynapass IP Holdings, LLC*, IPR2023-00425 (PTAB) and *JPMorgan Chase & Co. v. Dynapass IP Holdings, LLC*, IPR2023-01331 (PTAB). Pet. 48–50. Patent Owner identifies an additional proceeding in which institution was denied. Paper 4, 2–4. As a proceeding in which institution was denied cannot affect or be affected by a decision in this proceeding, we do not list it.

### C. *The '658 patent (Ex. 1001)*

The '658 Patent is titled “Use of Personal Communication Devices For User Authentication.” Ex. 1001, code (54). The invention “relates generally to the authentication of users of secure systems and, more

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particularly, the invention relates to a system through which user tokens required for user authentication are supplied through personal communication devices such as mobile telephones and pagers.” *Id.* at 1:7–11.

One embodiment of the invention provides a password setting system that includes a user token server and a communication module wherein a user token server generates a random token in response to a request for a new password from a user. Ex. 1001, 1:63–2:2. “The server creates a new password by concatenating a secret passcode that is known to the user with the token” and “sets the password associated with the user’s user ID to be the new password.” *Id.* at 2:2–6. A “communication module transmits the token to a personal communication device, such as a mobile phone or a pager carried by the user.” *Id.* at 2:6–8. Then, the user concatenates the secret passcode with the received token in order to form a valid password, which the user submits to gain access to the secure system. *Id.* at 2:8–11.

Figure 1, reproduced below, “illustrates an overview, including system components, of a user authentication system 100 according to a preferred embodiment of the present invention.” Ex. 1001, 4:2–4.

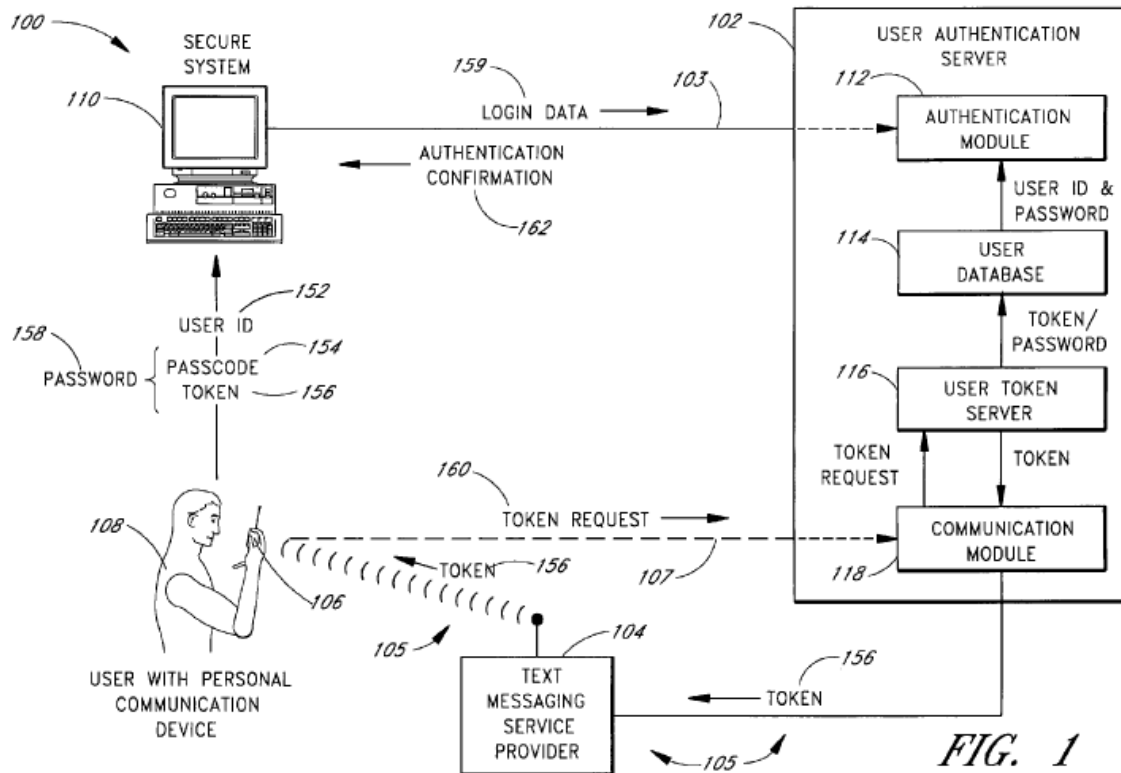


FIG. 1

User authentication system 100 includes authentication Server 102, text messaging Service provider 104, personal communication device 106 carried by user 108, and secure system 110 to which the authentication system 100 regulates access. *Id.* at 4:9–13. “[P]ersonal communication device 106 is preferably a pager or a mobile phone having SMS (short message Service) receive capability.” *Id.* at 4:13–15. Secure system 110 can be “any system, device, account, or area to which it is desired to limit access to authenticated users.” *Id.* at 4:18–20.

User authentication server 102 is configured to require that user 108 supply authentication information through secure system 110 in order to gain access to secure system 110. *Ex.* 1001, 4:32–35. Authentication information provided by the user includes user ID 152, passcode 154 and

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