

EXHIBIT 9

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC. and
SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

RFCYBER CORP.,
Patent Owner.

IPR2021-00979
Patent 8,118,218 B2

Before PATRICK R. SCANLON, KEVIN W. CHERRY, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

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

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I. INTRODUCTION

Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (“Petitioner”) filed a petition to institute *inter partes* review of claims 1–18 of U.S. Patent No. 8,118,218 B2 (Ex. 1001, “the ’218 patent”). Paper 2 (“Pet.”). RFCyber Corp. (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”). With our authorization, Petitioner filed a Reply to Patent Owner’s Preliminary Response. Paper 8 (“Reply”). Patent Owner filed a Sur-Reply. Paper 9 (“Sur-Reply”).

We have authority to determine whether to institute an *inter partes* review. *See* 35 U.S.C. § 314 (2018); 37 C.F.R. § 42.4(a) (2020). To institute an *inter partes* review, we must determine that the information presented in the Petition shows “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). For the reasons set forth below, we determine that the information presented in the Petition does not establish a reasonable likelihood that Petitioner will prevail with respect to at least one challenged claim. Accordingly, we do not institute an *inter partes* review of the ’218 patent.

II. BACKGROUND

A. *Real Parties in Interest*

Petitioner identifies its real parties in interest as Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. Pet. 2. Patent Owner identifies RFCyber Corp. as its real party in interest. Paper 4, 1 (Patent Owner’s Mandatory Notices).

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B. Related Matters

The parties identify the following proceeding as a related matter involving the '218 patent: *RFCyber Corp. v. Google LLC*, No. 2:20-cv-00274 (EDTX); *RFCyber Corp. v. LG Electronics, Inc.*, No. 2:20-cv-00336 (EDTX); and *RFCyber Corp. v. Samsung Electronics Co.*, 2:20-cv-00335 (EDTX). Pet. 2–3; Paper 4, 2. The parties also identify the following Board proceedings involving petitioner Google LLC and related patents: IPR2021-00954 (U.S. Patent No. 8,448,855 B1); IPR2021-00955 (U.S. Patent No. 9,189,787 B1); IPR2021-00956 (U.S. Patent No. 9,240,009 B2); IPR2021-00957 (U.S. Patent No. 8,118,218 B2); PGR2021-00028 (U.S. Patent No. 10,600,046 B2); and PGR2021-00029 (U.S. Patent No. 10,600,046 B2). Pet. 3; Paper 4, 1. The parties also identify the following Board proceedings filed by Petitioner and involving related patents: IPR2021-00978 (U.S. Patent No. 8,448,855 B2); IPR2021-00980 (U.S. Patent No. 9,189,787 B1); and IPR2021-00981 (U.S. Patent No. 9,240,009 B2). Pet. 4; Paper 4, 1–2.

C. The '218 Patent

The '218 patent, titled “Method and Apparatus for Providing Electronic Purse,” issued February 21, 2012, with claims 1–18. Ex. 1001, codes (45), (54), 8:37–10:63. The '218 patent “is related to a mechanism provided to devices, especially portable devices, functioning as an electronic purse (e-purse) to be able to conduct transactions over an open network with a payment server without compromising security.” *Id.* at 1:50–54.

Figure 2 of the '218 patent is reproduced below.

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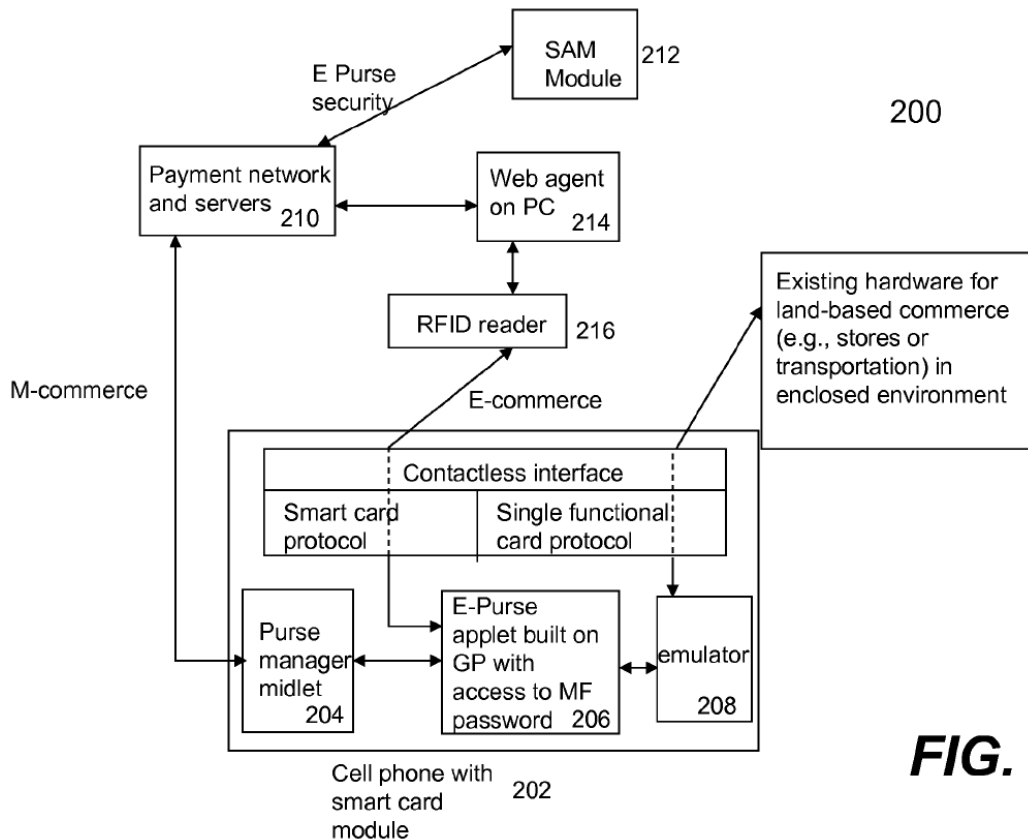
**FIG. 2**

Figure 2 illustrates shows an exemplary architecture diagram 200 according to one embodiment. *Id.* at 2:63–64, 4:57–59. The architecture includes cellphone 202 embedded with a smart card module. *Id.* at 4:59–60. The smart card module is pre-loaded with Mifare emulator 208 for storing values. *Id.* at 4:62–64.

Cellphone 202 includes purse manager midlet 204, which, for m-commerce, can act as an agent to facilitate communications between e-purse applet 206 and one or more payment network and servers 210 to conduct transactions. *Id.* at 5:5–9. Purse manager midlet 204 is also configured to provide administrative functions such as changing a PIN, viewing a purse balance and a history log. *Id.* at 5:16–18. A card issuer provides security authentication module (“SAM”) 212 that is used to enable and authenticate transactions between a card and a payment server. *Id.* at 5:19–22.

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