

EXHIBIT C

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SHENZHEN RFCYBER ASSET MANAGEMENT, LLP,
Patent Owner.

IPR2022-01240
Patent 8,118,218 B2

Before JOSIAH C. COCKS, PATRICK R. SCANLON, and
KEVIN W. CHERRY, *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

Apple Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–5, 12–14, 17, and 18 of U.S. Patent No. 8,118,218 B2 (Ex. 1001, “the ’218 patent”). Shenzhen RFCyber Asset Management, LLP (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”).

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) (2022). 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 Petitioner has not demonstrated a reasonable likelihood that it would prevail with respect to at least one challenged claim. Accordingly, we do not institute an *inter partes* review of any challenged claim on any asserted ground.

II. BACKGROUND

A. *Real Parties in Interest*

Petitioner identifies itself as the real parties in interest. Pet. 70. Patent Owner identifies itself and RFCyber Corp. as the real parties in interest. Paper 5, 1.

B. *Related Matters*

The parties identify the following proceedings as related matters involving the ’218 patent: *RFcyber Corp. v. Apple Inc.*, Case No. 6:21-cv-00916-ADA (W.D. Tex.) (the “District Court Case”); and *RFcyber Corp. v. Visa U.S.A. Inc.*, Case No. 6:22-cv-00697 (W.D. Tex.). Pet. 70; Paper 5, 1. Petitioner also identifies the following dismissed district-court proceedings

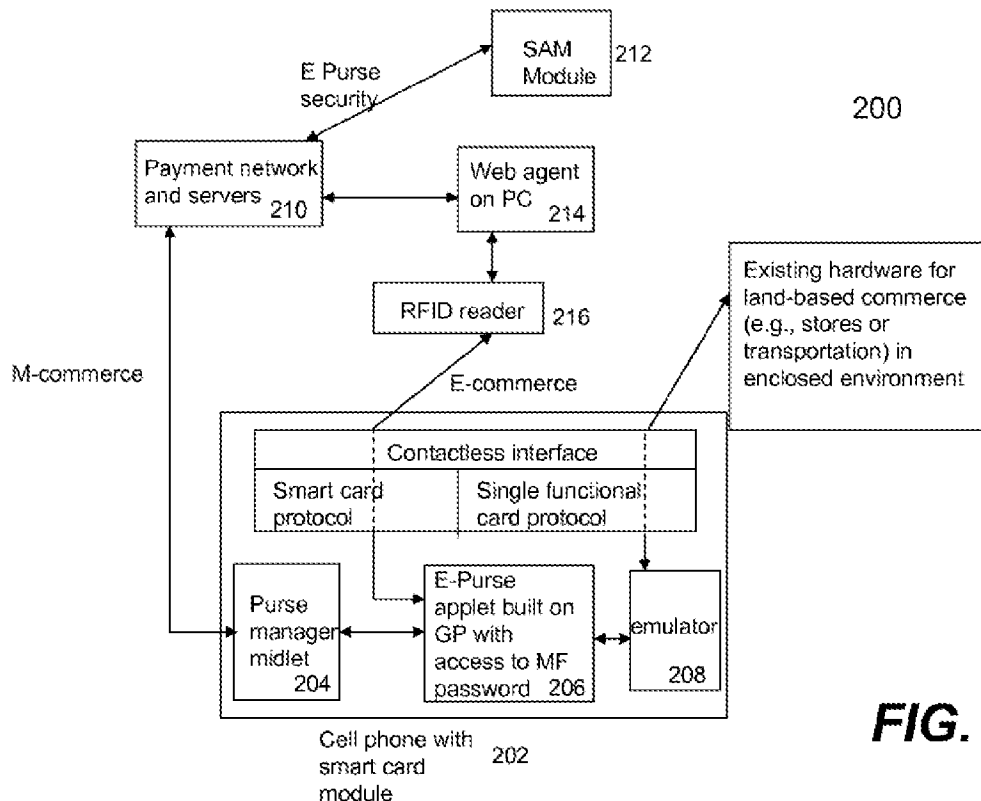
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as related matters: *RF Cyber Corp. v. Google LLC*, No. 2:20-cv-00274 (E.D. Tex.); *RF Cyber Corp. v. LG Electronics, Inc.*, No. 2:20-cv-00336 (E.D. Tex.); and *RF Cyber Corp. v. Samsung Electronics Co.*, 2:20-cv-00335 (E.D. Tex.). Pet. 70. Petitioner further identifies the following Board proceedings involving other petitioners and the '218 patent: IPR2021-00957 (terminated), and IPR2021-00979 (denied). Pet. 70.

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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Figure 2 illustrates 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 and including an RFID interface. *Id.* at 4:59–60, 64–66. The smart card module is pre-loaded with 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.

For e-commerce, web agent 214 is responsible for interacting with RFID reader 216 and network server 210. *Id.* at 5:30–32. Web agent 214 sends commands or receives responses through RFID reader 216 to or from e-purse applet 206 residing in cellphone 202. *Id.* at 5:32–35. Web agent 214 also composes network requests (such as HTTP) and receives responses thereto from payment server 210. *Id.* at 5:35–37.

D. Challenged Claims

As noted above, Petitioner challenges claims 1–18 of the ’218 patent. Claims 1 and 11 are independent. Claim 1 is illustrative of the claimed subject matter and is reproduced below:

1. A method for providing an e-purse, the method comprising:
providing a portable device including or communicating with a smart card pre-loaded with an emulator configured to

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