UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

CARBYNE BIOMETRICS, LLC,
Patent Owner.

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IPR2024-00333
Patent 11,475,105 B2

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Before JAMESON LEE, ARTHUR M. PESLAK, and
STEVEN M. AMUNDSON, *Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

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

I. INTRODUCTION

Apple Inc. ("Petitioner") filed a Petition requesting an *inter partes* review of claims 1, 9–11, 14, 18, 28–30, 33, and 35 ("challenged claims") of U.S. Patent No. 11,475,105 B2 (Ex. 1001, "the '105 patent"). Paper 3. Carbyne Biometrics, LLC ("Patent Owner") filed a Preliminary Response. Paper 8. Petitioner filed an authorized Preliminary Reply. Paper 9 ("Prelim. Reply"). Patent Owner filed an authorized Preliminary Sur-reply. Paper 10 ("Prelim. 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) (2024). An *inter partes* review may not be instituted unless the information presented in the Petition "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). Upon consideration of the contentions and the evidence of record before us, we conclude Petitioner has not shown a reasonable likelihood that it would prevail in establishing the unpatentability of at least one challenged claim of the '105 patent.

Accordingly, we decline to institute *inter partes* review.

II. BACKGROUND

A. Real Parties in Interest

Petitioner identifies itself as real party in interest. Pet. 1. Patent Owner identifies itself as real party in interest. Paper 4, 2.

B. Related Matters

The parties each identify the following litigation as related to the '105 patent (Pet. 1; Paper 4, 2): *Carbyne Biometrics, LLC v. Apple Inc.*, 1:23-cv-00324 (WDTX).

Petitioner further identifies *Samsung Electronics Co., Ltd. v. RightQuestion, LLC*, IPR2022-00244 (PTAB) (Terminated July 26, 2022), which involved an ancestral patent of the '105 patent, as a related matter. Pet. 1–2.

IPR2024-00334 is a proceeding involving U.S. Patent No. 11,514,138 B1, based on Application 17/027,481, from which the application that issued as the '105 patent is a continuation-in-part application.

C.   *The '105 Patent*

The '105 patent is directed to authentication techniques to provide credentials to a service. Ex. 1001, 1:43–52. The goal is to reduce practices such as password re-use and/or selection of poor quality passwords. *Id.* Specifically, the '105 patent pertains to authentication translation and states:

> Authentication translation is disclosed. A request to access a resource is received at an authentication translator, as is an authentication input. The authentication input corresponds to at least one stored record. The stored record is associated at least with the resource. In response to the receiving, a previously stored credential associated with the resource is accessed. The credential is provided to the resource.

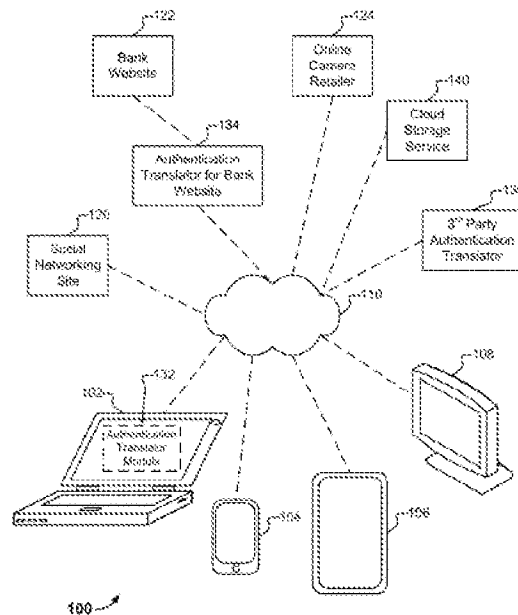*Id.* at code (57). Figure 1 of the '105 patent is reproduced below:

FIG. 1

Figure 1 illustrates an embodiment of an environment in which authentication translation is provided. Ex. 1001, 2:62–63. Various client service devices 102–108 are connected through one or more networks (represented as single network cloud 110) to various services 120–124, which are also referred to as sites. *Id.* at 2:63–67.

Client device 102 is a notebook computer owned by user Alice and includes a camera, a microphone, and a fingerprint sensor. *Id.* at 2:67–3:3. Client device 104 is a smartphone owned by user Alice and includes a camera. *Id.* at 3:3–4. Client device 106 is a tablet owned by user Bob and includes a camera and a fingerprint sensor, and device 106 is sometimes used by Bob's son Charlie. *Id.* at 3:5–7. Client device 108 is a kiosk located in the lobby of a hotel, and it includes a camera and a microphone. *Id.* at 3:7–9.

Service 120 is a social networking site; service 122 is a website of a bank; service 124 is the online store of a boutique camera retailer; each

service requires a username and password (and/or a cookie) from a user prior to giving that user access to protected content and/or other features. Ex. 1001, 3:15–20. A user need not type such user names and passwords into the devices whenever required by a service, but can authenticate to an "authentication translator" which will provide the appropriate credentials to the service "on the user's behalf." *Id.* at 3:21–26.

For example, notebook computer 102 includes authentication translator module 132 that provides authentication translation services. *Id.* at 3:29–31. Devices 104–108 can also include, but need not include, their own respective authentication translator modules. *Id.* at 3:31–33. The owner of bank website 122 operates authentication translator 134 associated with the bank. *Id.* at 3:34–35. Authentication translator 136 provides authentication services to a variety of businesses, including online camera retailer 124. *Id.* at 3:35–38.

Figure 2 of the '105 patent is reproduced below:

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