UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
VISA INC., and VISA U.S.A. INC.,

Petitioners,

v.

UNIVERSAL SECURE REGISTRY LLC,

Patent Owner

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Case IPR2018-00809[1]

U.S. Patent No. 9,530,137

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**PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION TO
STRIKE PORTIONS OF PAPER 31 AND EXHIBIT 2021**

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[1] Visa Inc. and Visa U.S.A. Inc., which filed a petition in IPR2019-0174, have been

joined as a party to this proceeding.

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Universal Secure Registry LLC ("Patent Owner") submits this Opposition to Petitioner's Motion to Strike Portions of Patent Owner's Paper 31 and Exhibit 2021, Paper 35 ("MTS").

I. INTRODUCTION

The mainstay of Petitioner's arguments—that Patent Owner presents new written description support in its Reply in Support of its Conditional Motion to Amend (Paper 31, "Reply")—is false. Petitioner takes an improperly narrow view of the ample written description support contained in Patent Owner's Conditional Motion to Amend and misapprehends Patent Owner's written description arguments in connection with claims 13 and 21. Because Patent Owner's Reply and accompanying Exhibit 2021 are both fully supported by Patent Owner's Conditional Motion to Amend (Paper 19, "CMTA"), Petitioner's MTS should be denied.

II. PETITIONER'S ARGUMENTS FOR STRIKING PATENT OWNER'S WRITTEN DESCRIPTION SUPPORT ARE MERITLESS

Petitioner incorrectly argues that Patent Owner has added new written description support for claim limitations 13[c], 13[e], 21[d], and 21[f]. According to Petitioner, Patent Owner cites to "new portions" of the specification in Reply "in an attempt to cure what Petitioner argued in its Opposition was a lack of support." MTS at 2-3. In particular, Petitioner argues that Patent Owner's references to page 23, lines 23-30 of the '660 application in its briefing or in Dr. Jakobsson's supporting

declaration (as well as associated discussion of this citation) should be struck.

Petitioner's arguments are unavailing for several reasons.

1.   Petitioner Misapprehends Patent Owner's Arguments
In Its CMTA

As conceded by Petitioner (MTS at 2-3), Patent Owner's CMTA cited to page 23, line 34 through page 24, line 2 of the '660 application as written description support for the disputed claim limitations. Petitioner fails to mention, however, that Patent Owner explained in connection with that citation that use of the public ID code by a credit card company was only "***one non-limiting, non-exclusive example*** of a 'network validation-information entity' [] to map the ID code to the correct card number."[2] CMTA at 4. Nowhere did Patent Owner argue (or even imply) that the claimed "network validation-information entity" must be a credit card company or even a financial institution.

Patent Owner also cited Figures 7, 21, and 23, and in particular, wireless signal 300 between first device 2110 and a second device. *Id.* at 3-4, 7-11. These figures (as well as the corresponding text within the specification of the '660 application) all support an embodiment where the "network validation-information entity" is a USR that receives the ID code and performs the claimed mapping. For

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[2] All emphases added unless otherwise noted.

example, Figure 21 of the '660 application generically shows a "responder" and "challenger." Ex. 2006 at Fig. 21. The corresponding text within the specification explains that the "challenger" (the second device) can determine the identity of the user and directly access the secure database 2146 in order to carry out the claimed mapping. *Id.* at 41:16-42:23; *see also id.* at 43:19-44:12 (second device verifying identity of first device). Read in context with the rest of the specification (and in particular the portions thereof cited in Patent Owner's CMTA), the cited "challenger" can clearly constitute the USR that both receives the ID code from the first device (the "responder") and performs the claimed mapping. *See, e.g., id.* at 6:26-7:26, 9:9-29, 10:23-11:6, 23:34-24:2, 38:6-19, 41:7-15, 42:24-44:16; 45:7-46:2, 47:1-13, 48:1-10, 51:8-16, 59:3-9.

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