

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
VISA INC., and VISA U.S.A. INC.,¹
Petitioners,

v.

UNIVERSAL SECURE REGISTRY, LLC,
Patent Owner.

Case IPR2018-00809

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

**PETITIONER APPLE INC.'S REPLY IN SUPPORT OF ITS
MOTION TO STRIKE PORTIONS OF
PATENT OWNER'S PAPER 31 AND EXHIBIT 2021**

¹ Visa Inc. and Visa U.S.A. Inc., which filed a petition in IPR2019-00174, have been joined as a party to this proceeding

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It is not surprising that PO's Opposition fails to demonstrate where the CMTA discloses its argument that page 23, lines 20-32 of the '660 application provides written description support for substitute limitations 13[c], 13[e], 21[d], and 21[f] ("the substitute limitations"). That part of the '660 application is found nowhere in the CMTA's discussion of the substitute limitations. Effectively conceding the CMTA has no support for its new theory, PO's Opposition now cites *additional new portions of the '660 application* as purported written description support that do not appear in either the CMTA or PO's Reply to Petitioner's Opposition to the CMTA. The Board should therefore strike the highlighted portions of Paper 31 and Exhibit 2021 shown in Exhibits 1136 and 1137.

I. PO HAS NOT SHOWN WHERE THE CHALLENGED CITATIONS CAN BE FOUND IN THE CMTA IN THE CONTEXT OF THE SUBSTITUTE LIMITATIONS

Petitioner's Motion to Strike showed that the only example the CMTA cites in the '660 application (Ex-2006) of the claimed "map[ing] the multi-digit ID code to a credit and/or debit card number" by a "networked validation-information entity" is one involving a *credit card company*.² Petitioner's Motion to Strike at 1-

² PO never argues in any of its papers that the claims have written description support if the claimed "networked information-validation entity" is interpreted as the credit card company discussed in this passage.

5. The CMTA never suggested PO's new (incorrect) theory that this function instead resides in the description of the Universal Secure Registry ("USR") found at page 23, lines 23-30 of the '660 application (Ex-2006). The CMTA did not even cite this passage for the substitute limitations. *Id.* at 6-8.

PO responds by arguing that Petitioner "misapprehended" the CMTA, because the CMTA listed the credit card company as "one non-limiting, non-exclusive example of a 'network validation-information entity.'" PO's Opposition at 2-3. But this vague language provided no notice of what, if any, other portions of the '660 application PO purported to rely on for written description support, and does not excuse the CMTA's failure to cite to the sole example (a USR) on which PO now relies.

To argue that the USR's handling of a code received from a user's device satisfies the claimed mapping to a "credit and/or debit card number" by the "networked validation-information entity," PO must cite to page 23 lines 20-32 of the '660 application, which the CMTA indisputably did not do. Because PO does not suggest that other disclosure in the '660 application (Ex-2006) cited by the CMTA supports this functionality in the USR, the CMTA cannot be read to support a theory that the disclosed USR supports the claimed "networked validation-information entity." Therefore, the CMTA failed to show "the second device being the networked validation-information entity" as recited in substitute

limitations 13[e] and 21[f].

Tellingly, PO's Opposition to the Motion to Strike relies on additional disclosure not cited in the CMTA. In particular, PO's new argument that Figures 7, 21, and 23 provide support for the substitute limitations is contingent upon still further "corresponding text" from the specification that was *not cited in the CMTA*. See, e.g., PO's Opposition at 2-4 (citing the '660 Application at 41:16-42:23 and 43:19-44:2, which were not cited in the CMTA's support for the substitute limitations, and Figure 7, which the CMTA did not cite as support for limitations 13[e] and 21[f]). The cited figures alone do not support PO's (incorrect) theory that the USR performs both the claimed mapping and the claimed enablement of a financial transaction—a fact that PO recognizes by presenting no such argument in its Opposition to the Motion to Strike or its Reply to the CMTA Opposition. Accordingly, PO fails to show the CMTA supports its new theories for written description support.

II. THE CMTA'S ALLEGED SUPPORT FOR THE PREAMBLES OF CLAIMS 13 AND 21 DOES NOT SUPPORT PO'S NEW THEORY FOR WRITTEN DESCRIPTION SUPPORT FOR THE SUBSTITUTE LIMITATIONS

PO's argument that its new theory for written description support for the substitute limitations is grounded in the CMTA's alleged written description support for the preambles mischaracterizes the CMTA. The CMTA set forth its written description arguments on a *limitation-by-limitation*, rather than claim-by-

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