

1-17-23

No: 2023-1161

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

LARRY GOLDEN
Plaintiff-Appellant

v.

APPLE INC.,
Defendant-Appellee

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA—
SAN FRANCISCO DIVISION
IN 3:22-cv-04152-VC: JUDGE VINCE CHHABRIA

APPENDIX:
FIGURES CHARTS DIAGRAMS IN SUPPORT OF PLAINTIFF-
APPELLANT'S REPLY BRIEF

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Figure 1 shows the integration requirement of the three patent claims [5, 23, & 1] of the three patents [‘287, ‘439, & ‘189] asserted in this case.

Claim 5 of the 10,163,287 Patent	Claim 23 of the 9,589,439 Patent	Claim 1 of the 9,096,189 Patent
<p>A monitoring device, comprising:</p> <p>at least one sensor for chemical, biological, or human detection in communication with the at least one CPU;</p> <p>one or more detectors in communication with the at least one CPU for detecting at least one of chemical, biological, radiological, or explosive agents</p>	<p>A cell phone comprising:</p> <p>at least one of a chemical sensor, a biological sensor, an explosive sensor, a human sensor, a contraband sensor, or a radiological sensor capable of being disposed within, on, upon or adjacent the cell phone;</p> <p>... the chemical sensor, the biological sensor, the explosive sensor, the human sensor, the contraband sensor, or the radiological sensor, causes a signal that includes [] location data [] sent to the cell phone.</p>	<p>A communication device of [] a cell phone, a smart phone, a desktop, a handheld, a PDA, a laptop, or a computer terminal [] comprising:</p> <p>a transmitter for transmitting signals and messages to at least one of [] a multi-sensor detection device, [] a cell phone detection device...;</p> <p>a receiver for receiving signals, data or messages from at least one of [] a multi-sensor detection device, [] a cell phone detection device...;</p>

Figure 1

The patents’ written support can be found in Plaintiff’s patent specifications.

Detector case is considered the “genus” to a group of products that represent the “species”. Included in the group are CBRNE-H sensors.



... detector cases that is mounted to, detector cases that is affixed to, detector cases that is outside of, detector cases that is inside of, and detector cases that is adjacent to; the products grouped into what may be referred to as Product grouping 4 (monitoring & communication devices) include, but are not limited to, mobile communication devices, mobile communication units, portable communication devices, portable communication equipment, wired communication devices, wireless communication devices, monitoring sites, monitoring terminals, web servers, desktop personal computers (PCs), notebook personal computers (PCs), laptops, [] cell phones, [] personal digital assistants (PDAs), [], handhelds.

Figure 2 shows how the smartphone cameras satisfies the requirements of the three patent claims [5, 23, & 1]. The camera is an addition or an alternative to the Google Android iTAK and Apple iOS iTAK.

Google Pixel 5 Smartphone	Apple iPhone 12 Smartphone	Patent #: 10,163,287; Independent Claim 5	Patent #: 9,589,439; Independent Claim 23	Patent #: 9,096,189; Independent Claim 1
<p><i>Google Pixel 5: Dual - 12.2 MP (megapixel), OIS 16 MP (megapixel)</i> Camera lens in cell phone with microfluidic lens functions as camera; uses microscope to focus on a chemical sensor. A <i>megapixel</i> camera captures the image from the array of nanopores uses fluid rather than bulky moving parts. The sensors contained in one array is determined by the <i>pixel</i> resolution phone camera. <i>Megapixel</i> resolution in cell phone cameras; probe a million different spots on the sensor simultaneously. <i>Tiny sensors tucked into cell phones could map airborne toxins in real time.</i> Source: https://www.understandingnano.com/cell-phone-sensors-toxins.html</p>	<p><i>Apple iPhone 12: Dual - 12 MP (megapixel), OIS 12 MP (megapixel)</i> Camera lens in cell phone with microfluidic lens functions as camera; uses microscope to focus on a chemical sensor. A <i>megapixel</i> camera captures the image from the array of nanopores uses fluid rather than bulky moving parts. The sensors contained in one array is determined by the <i>pixel</i> resolution phone camera. <i>Megapixel</i> resolution in cell phone cameras; probe a million different spots on the sensor simultaneously. <i>Tiny sensors tucked into cell phones could map airborne toxins in real time.</i> Source: https://www.understandingnano.com/cell-phone-sensors-toxins.html</p>	<p><i>Claim 5 limitation of the '287 Patent</i> one or more detectors in communication with the at least one CPU for detecting at least one of chemical, biological, radiological, or explosive agents;</p>	<p><i>Claim 23 limitation of the '439 Patent</i> at least one of a chemical sensor, a biological sensor, an explosive sensor, a human sensor, a contraband sensor, or a radiological sensor capable of being disposed within, on, upon or adjacent the cell phone;</p>	<p><i>Claim 1 limitation of the '189 Patent</i> a transmitter for transmitting signals and messages to at least one of plurality product groups based on the categories of a multi-sensor detection device ... a cell phone detection device ... a receiver for receiving signals, data or messages from at least one of plurality product groups based on the categories of a multi-sensor detection device ... a cell phone detection device</p>

Figure 2

Figure 3—Apple’s iPhone 12 “mirrors” the Google Pixel 5 Smartphone—All the Pixel 5 elements were identified in *Golden v. Google LLC*; Fed. Cir. No. 22-1267

Google Pixel 5 Smartphone	Apple iPhone 12 Smartphone	Claim 5 of the ‘287 Patent	Claim 23 of the ‘439 Patent	Claim 1 of the ‘189 Patent
		<p>A monitoring device, comprising:</p>	<p>A cell phone comprising:</p>	<p>A communication device of at least one of a cell phone, a smart phone, a desktop, a handheld, a PDA, a laptop, or a computer terminal for monitoring products, interconnected to a product for communication therebetween, comprising:</p>
<p>CPU: Octa-core (1 × 2.4 GHz Kryo 475 Prime & 1 × 2.2 GHz Kryo 475 Gold & 6 × 1.8 GHz Kryo 475 Silver) System-on-a-chip: Qualcomm Snapdragon 765G</p>	<p>CPU: Hexa-core (2x3.1 GHz Firestorm + 4x1.8 GHz Icestorm). System-on-a-chip: Apple A14 Bionic (5 nm). iOS 14.1, upgradable to iOS 16.1</p>	<p>at least one central processing unit (CPU);</p>	<p>a central processing unit (CPU) for executing and carrying out the instructions of a computer program;</p>	<p>at least one of a central processing unit (CPU) for executing and carrying out the instructions of a computer program, a network processor which is specifically targeted at the networking application domain, or a front-end processor for communication between a host computer and other devices;</p>
<p>Ambient Temperature sensor supported by the Android platform. Measures the ambient room temperature in degrees Celsius (°C). Monitoring air temperatures.</p>	<p>Temperature sensors located within; the sensors monitor the battery and processor's temperature. In extreme temperatures (hot or cold), these sensors shut down the device to prevent damage</p>	<p>at least one temperature sensor in communication with the at least one CPU for monitoring temperature;</p>	<p>X</p>	<p>X</p>

<p>Gravity sensor supported by the Android platform. Measures the force of gravity in m/s² that is applied to a device on all three physical axes (x, y, z). Motion detection (shake, tilt, etc.).</p>	<p>Accelerometer (gravity sensor) supported by the iOS platform. Accelerometer/Motion sensor: This sensor helps the screen automatically switch from landscape to portrait modes and back again based on whether you're holding the phone vertically or horizontally.</p>	<p>at least one motion sensor in communication with the at least one CPU;</p>	<p>X</p>	<p>X</p>
<p>Light sensor supported by the Android platform. Measures the ambient light level (illumination) in lx. Controlling screen brightness. Screen: 6-inch flexible OLED display at 432 ppi</p>	<p>Adjusts the screen brightness for current light conditions using the built-in ambient light sensor. Screen: 6.1" Super Retina XDR (OLED). Lock the screen orientation so that it doesn't change when the iPhone is rotated.</p>	<p>at least one viewing screen for monitoring in communication with the at least one CPU;</p>	<p>X</p>	<p>X</p>
<p>Connectivity: Wi-Fi 5 (a/b/g/n/ac) 2.4 + 5.0 GHz, Bluetooth 5.0 + LE, NFC, GPS (GLONASS, Galileo, BeiDou), eSIM capable</p>	<p>Connectivity: Wi-Fi 5 802.11 a/b/g/n/ac/6, dual-band, hotspot. Bluetooth 5.0. NFC, GPS, GLONASS, Galileo, QZSS Nano-SIM; eSIM or Dual SIM</p>	<p>at least one global positioning system (GPS) connection in communication with the at least one CPU;</p>	<p>at least one of a satellite connection, Bluetooth connection, WiFi connection, internet connection, radio frequency (RF) connection, cellular connection, broadband connection, long range radio frequency (RF) connection, short range radio frequency (RF) connection, or GPS connection;</p>	<p>at least one satellite connection, Bluetooth connection, WiFi connection, internet connection, radio frequency (RF) connection, cellular connection, broadband connection, long and short-range radio frequency (RF) connection, or GPS connection;</p>

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