

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PROXENSE, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:24-cv-00143

JURY TRIAL REQUESTED

**DEFENDANT’S DISCLOSURE OF
PRELIMINARY CLAIM CONSTRUCTIONS**

Pursuant to the Scheduling Order of July 3, 2024, Defendant Apple Inc. (“Apple” or “Defendant”) hereby identifies the following claim terms, phrases, or clauses that Apple contends should be construed or found indefinite by the Court, including any claim element that Apple contends should be governed by 35 U.S.C. § 112(f), along with Apple’s proposed claim constructions for the identified claim terms, phrases, or clauses.

Defendant reserves all of its rights to supplement this disclosure, including to modify or amend its proposed claim constructions to the extent allowed by applicable law, rule, order or agreement. Defendant may also supplement this disclosure in light of the positions Plaintiff takes in this litigation.

8,352,730; 8,886,954; 9,298,905; 10,698,989 Patents

Patent Claims	Terms, Phrases or Clauses	Proposed Construction
<p>'730 claims 1, 8</p> <p>'954 patent, claim 1</p>	<p>“persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying the integrated device and a secret decryption value ... to a storage element”</p> <p>/</p> <p>“stores biometric data of a user and a plurality of codes and other data values comprising a device ID code uniquely identifying the integrated device and a secret decryption value ... to the memory”</p>	<p>Plain and ordinary meaning, wherein the meaning is “persistently storing biometric data of the user and a plurality of codes and other data values to a storage element; within this storage element is also (1) a device ID code uniquely identifying the integrated device and (2) a secret decryption value”</p> <p>/</p> <p>Plain and ordinary meaning, wherein the meaning is “stores biometric data of the user and a plurality of codes and other data values to a memory; within this memory is also (1) a device ID code uniquely identifying the integrated device and (2) a secret decryption value”</p>
<p>'730 claims 1, 8</p> <p>'954 claim 1</p> <p>'905 claim 1</p>	<p>“access message”</p>	<p>No construction necessary. Plain and ordinary meaning.</p>

8,352,730; 8,886,954; 9,298,905; 10,698,989 Patents

Patent Claims	Terms, Phrases or Clauses	Proposed Construction
'730 claim 8	<p>“a verification unit, in communication with the memory, receives scan data from a biometric scan for comparison against the biometric data, and if the scan data matches the biometric data, wirelessly sends one or more codes from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices”</p>	<p>This is a means-plus-function term under 35 U.S.C. 112 (6).</p> <p>Function: (1) receives scan data from a biometric scan for comparison against the biometric data, and (2) if the scan data matches the biometric data, wirelessly sends one or more codes from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices</p> <p>Structure: No corresponding structure disclosed in the specification for performing the recited functions. Indefinite.</p>
'730 claims 1, 8 '954 claim 1 '905 claim 1 '989 claim 1	<p>“device ID code” / “ID code” / “identification (ID) code”</p>	<p>A unique code identifying a device</p>
'730 claims 1, 8 '954 claim 1	<p>“tamper proof format”</p>	<p>Plain and ordinary meaning, wherein the meaning is “a format that prevents any changes to the stored data.”</p>

8,6,46,042; 9,049,188 Patents

Patent Claims	Terms, Phrases or Clauses	Proposed Construction
'042 patent claims 1, 6 '188 patent claims 1, 3, 4, 7	“hybrid device”	a device comprising an integrated personal digital key (PDK) and an integrated receiver-decoder circuit (RDC) [agreed construction from <i>Proxense v. Google</i> and <i>Proxense v. Microsoft</i> cases]
'042 patent claim 1 '188 patent claim 1	“A hybrid device comprising”	The preamble of claim 1 of the '042 patent is limiting. / The preamble of claim 1 of the '188 patent is limiting.
'042 patent claims 1, 6 '188 patent claim 1	“personal digital key (PDK)”	an operably connected collection of elements including an antenna and a transceiver for communicating with a RDC and a controller and memory for storing information particular to a user [the Court’s construction from the <i>Proxense v. Google</i> , <i>Proxense v. Microsoft</i> , and <i>Proxense v. Samsung</i> matters]
'042 patent claims 1, 6 '188 patent claims 1, 3	“receiver-decoder circuit (RDC)”	a component or collection of components, capable of wirelessly receiving data in an encrypted format and decoding the encrypted data for processing [the Court’s construction from the <i>Proxense v. Google</i> , <i>Proxense v. Microsoft</i> , and <i>Proxense v. Samsung</i> matters]

Dated: September 3, 2024

Respectfully submitted,

/s/ Nandan R. Padmanabhan

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I certify that all counsel of record are being served via electronic mail with a copy of this document on September 3, 2024.

/s/ Nandan R. Padmanabhan
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