IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CARBYNE BIOMETRICS, LLC, **Plaintiff,** **vs.** **APPLE INC.,** **Defendant.**	**Civil Action No. 1:23-cv-00324** **JURY TRIAL**

PLAINTIFF CARBYNE BIOMETRICS, LLC'S PRELIMINARY INFRINGEMENT CONTENTIONS

Plaintiff Carbyne Biometrics, LLC, (hereinafter "Carbyne" or "Plaintiff") submits its Preliminary Infringement Contention Disclosures to Defendant Apple Inc. (hereinafter "Apple" or "Defendants").

I. Asserted Patents

A. Authentication Patents

The presently asserted Authentication Patents are as follows: U.S. Patent Nos. 10,929,512 ("the '512 Patent"); 11,475,105 ("the '105 Patent"); 11,514,138 ("the '138 Patent") (collectively the "Authentication Patents").

B. Fraud Reduction Patents

The presently asserted Fraud Reduction Patents are as follows: U.S. Patent Nos. 9,972,010 ("the '010 Patent"); 10,713,656 ("the '656 Patent"); and 11,526,886 ("the '886 Patent") (collectively the "Fraud Reduction Patents").

II. Asserted Claims

The presently asserted claims from each patent are listed below. Carbyne reserves the right to amend or supplement its contentions to identify additional claims infringed by Defendant after discovery proceeds, as warranted.

A. Authentication Patents Asserted Claims

1. '512 Patent:

Claims: 1-6, 10-16, and 20-21.

2. '105 Patent:

Claims: 1, 9, 11, 14, 18, 28, 30, 33, and 35.

3. '138 Patent:

Claims: 1, 7, 8, 10, 11, 12, 13, 19, 22, 23, 24, and 25.

B. Fraud Reduction Patents Asserted Claims

1. '010 Patent:

Claims: 1, 5, 6, 9, 13, 14, 17 and 21-22.

2. ’656 Patent:

Claims: 1, 4, 7-10, 13, 16-19.

3. ’886 Patent:

Claims: 1-2, 4-7, 9-11, 12, 14, 18, and 20.

III. Accused Products

The presently known accused products are listed below. Carbyne expects that this disclosure may be amended or supplemented after discovery proceeds or as Defendant introduces new infringing products.

A. Authentication Patents Accused Products

The Authentication Patents are infringed by at least the following devices which are collectively referred to as the “Apple Authentication Accused Products.”

Product	iOS/iPadOS or Mac
iPhone X	iOS/iPadOS
iPhone XR	iOS/iPadOS
iPhone XS	iOS/iPadOS
iPhone XS Max	iOS/iPadOS
iPhone 11	iOS/iPadOS
iPhone 11 Pro	iOS/iPadOS
iPhone 11 Pro Max	iOS/iPadOS
iPhone 12	iOS/iPadOS
iPhone Mini	iOS/iPadOS

iPhone Pro Max	iOS/iPadOS
iPhone 13	iOS/iPadOS
iPhone 13 Mini	iOS/iPadOS
iPhone 13 Max	iOS/iPadOS
iPhone 13 Pro Max	iOS/iPadOS
iPhone 14	iOS/iPadOS
iPhone 14 Plus	iOS/iPadOS
iPhone 14 Pro	iOS/iPadOS
iPhone 14 Pro Max	iOS/iPadOS
iPad Air (4th generation)	iOS/iPadOS
iPad Air (4th generation)	iOS/iPadOS
iPad Air (5th generation)	iOS/iPadOS
iPad Pro (3rd generation)	iOS/iPadOS
iPad Pro (4th generation)	iOS/iPadOS
iPad Pro (5th generation)	iOS/iPadOS
iPad Pro (6th generation)	iOS/iPadOS
iPad Mini (5th generation)	iOS/iPadOS
iPad Mini (6th generation)	iOS/iPadOS
iPad (7th generation)	iOS/iPadOS
iPad (8th generation)	iOS/iPadOS
iPad (9th generation)	iOS/iPadOS

2021 MacBook Pro	Mac
2022 MacBook Pro	Mac
2023 MacBook Pro	Mac
2022 MacBook Air	Mac
2023 MacBook Air	Mac
2021 iMac w/ Magic Keyboard with TouchID	Mac
2022 iMac w/ Magic Keyboard with TouchID	Mac
2023 iMac w/ Magic Keyboard with TouchID	Mac
2020 Mac Mini w/ Magic Keyboard with TouchID	Mac
2021 Mac Mini w/ Magic Keyboard with TouchID	Mac
2022 Mac Mini w/ Magic Keyboard with TouchID	Mac
2023 Mac Mini w/ Magic Keyboard with TouchID	Mac
2022 Mac Studio w/ Magic Keyboard with TouchID	Mac
2023 Mac Studio w/ Magic Keyboard with TouchID	Mac
MacBook Air (Retina, 13-inch, 2020)	Mac
MacBook Air (Retina, 13-inch, 2019)	Mac

MacBook Air (Retina, 13-inch, 2018)	Mac
MacBook Pro (13-inch, 2020, Two Thunderbolt 3 ports)	Mac
MacBook Pro (13-inch, 2020, Four Thunderbolt 3 ports)	Mac
MacBook Pro (16-inch, 2019)	Mac
MacBook Pro (13-inch, 2019, Two Thunderbolt 3 ports)	Mac
MacBook Pro (15-inch, 2019)	Mac
MacBook Pro (13-inch, 2019, Four Thunderbolt 3 ports)	Mac
MacBook Pro (15-inch, 2018)	Mac
MacBook Pro (13-inch, 2018, Four Thunderbolt 3 ports)	Mac
2023 MacBook Air with M2 (15-inch)	Mac
2023 Mac Pro w/ Magic Keyboard with TouchID	Mac

B. Fraud Reduction Patents Accused Products

The Fraud Reduction Patents are infringed by at least the following devices which are collectively referred to as the "Apple Fraud Accused Products."

Device
iPhone X
iPhone XR
iPhone XS
iPhone XS Max
iPhone 11
iPhone 11 Pro
iPhone 11 Pro Max
iPhone 12
iPhone 12 mini
iPhone 12 Pro
iPhone 12 Pro Max
iPhone 13
iPhone 13 mini
iPhone 13 Pro
iPhone 13 Pro Max
iPhone 14
iPhone 14 Plus
iPhone 14 Pro

iPhone 14 Pro Max
iPad Pro 12.9-inch (3rd generation)
iPad Pro 12.9-inch (4th generation)
iPad Pro 12.9-inch (5th generation)
iPad Pro 12.9-inch (6th generation)
iPad Pro 11-inch
iPad Pro 11-inch (2nd generation)
iPad Pro 11-inch (3rd generation)
iPad Pro 11-inch (4th generation)

IV. Infringement Charts

Carbyne's infringement contention charts are in Exhibits A-I herewith. These charts are based on publicly-available information currently accessible and known to Carbyne. Carbyne reserves the right to amend or supplement these contentions after discovery proceeds, as warranted.

V. Priority Date

The asserted claims are entitled to at least to the following priority dates:

A. Authentication Patents Priority Date

1. '512 Patent:

The claims of the '512 Patent are entitled to a priority date of January 17, 2012, based on U.S. Provisional Application No. 61/587,387.

2. ’105 Patent:

The claims of the ’105 Patent are entitled to a priority date of January 17, 2012, based on U.S. Provisional Application No. 61/587,387.

3. ’138 Patent:

The claims of the ’138 Patent are entitled to a priority date of January 17, 2012, based on U.S. Provisional Application No. 61/587,387.

B. Fraud Reduction Patents Priority Date

1. ’010 Patent:

The claims of the ’010 Patent are entitled to a priority date of May 6, 2010, based on U.S. Provisional Application No. 61/332,140.

2. ’656 Patent:

The claims of the ’656 Patent are entitled to a priority date of May 6, 2010, based on U.S. Provisional Application No. 61/332,140.

3. ’886 Patent:

The claims of the ’886 Patent are entitled to a priority date of May 6, 2010, based on U.S. Provisional Application No. 61/332,140.

VI. File History

A copy of the Asserted Patents and the file histories are being produced herewith at Bates numbers: Carbyne000001-Carbyne002525.

Dated: June 21, 2023.

MCKOOL SMITH, P.C.

/s/ *Josh Budwin*

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ATTORNEYS FOR PLAINTIFF CARBYNE, LLC

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served copies of the foregoing Plaintiff Carbyne, LLC's Preliminary Infringement Contentions on June 21, 2023, Via Electronic Email.