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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CORTEX MCP, INC., Plaintiff, v. VISA INC. Defendant.	Case No. 5:23-CV-05720-EJD

CORTEX'S PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE (PATENT L.R. 4-2)

Pursuant to Patent L.R. 4-2 Plaintiff Cortex MCP, Inc. hereby provides the following Preliminary Claim Constructions and Extrinsic Evidence regarding U.S. Patent Nos. 9,251,531 ("the '531 Patent"), 9,954,854 ("the '854 Patent"), 10,749,859 ("the '859 Patent"), and 11,329,973 ("the '973 Patent"). Cortex reserves the right to amend the proposed claim constructions and supporting evidence.

I. PRELIMINARY PROPOSED CONSTRUCTIONS

Subject to the above, Cortex attaches its preliminary proposed claim constructions as Exhibit A. Cortex's preliminary proposed claim constructions apply to each element of the asserted claims, independent or dependent, using the same or similar language as the terms and

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phrases proposed for construction.

II. PRELIMINARY IDENTIFICATION OF EVIDENCE

Subject to the above, Cortex makes the following preliminary identification of intrinsic and extrinsic evidence, which Cortex may rely on in connection with each of its preliminary claim constructions in Exhibit A, and which Cortex hereby incorporates into Exhibit A for its preliminary claim constructions. Cortex intends to rely upon intrinsic evidence, including but not limited to the ’531, ’854, ’859, and ’973 patents, materials incorporated by reference in their patents or file histories, their file histories, and prior art cited and/or referenced during the prosecutions of the ’531, ’854, ’859, and ’973 patents. Cortex may rely upon documents produced in this litigation by Visa, Inc. (“Visa”). Cortex may also rely on any intrinsic or extrinsic evidence cited by Visa. In addition, Cortex may rely on dictionary definitions and other extrinsic evidence bearing production numbers CORT0001023- CORT0001032.

Cortex’s inclusion of materials referenced in this disclosure is not an admission that any of these materials constitute extrinsic evidence as opposed to intrinsic evidence. Cortex reserves all rights to submit any of these materials or similar materials as intrinsic or extrinsic evidence in the event the applicable standard provides for categorization as one or the other.

Dated: April 19, 2024

By: */s/ Tyler Finn*

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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2024, I served a true and correct copy of the foregoing on counsel listed below via electronic mail to the address listed below:

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EXHIBIT A - Preliminary Proposed Claim Constructions and Extrinsic Evidence

U.S. Patent Nos. 9,251,531, 9,954,854, 10,749,859, and 11,329,973

Term #	Patent (Claims)	Claim Term or Phrase	Plaintiff's Proposed Claim Construction	Supporting References
1	'531 Patent (All Asserted Claims) '854 Patent (All Asserted Claims)	"scan" (noun) or "scanned" (verb)	"the process of transmitting represented data via an electronic device" or "the result of the process of transmitting represented data via an electronic device" (noun) "to transmit represented data via an electronic device" (verb)	File History for '531 Patent (CORT0000026- CORT0000271); File History for '854 Patent (CORT0000272- CORT0000649); File History for '859 Patent (CORT0000650- CORT0000823); File History for '973 patent (CORT0000824- CORT0001022); '531 Patent, Figs. 1, 2, 3, 7, 8; Col. 4:6-11, 5:9-42; 6:2-11; 6:62-7:3; 7:56-8:3; 11:26-44; 12:7-32; 13:16-24; 14:2-10; 18:1-4 Claims 1-33; '854 Patent, Figs. 1, 2, 3, 7, 8; Col. 4:15-20, 5:17-53; 6:10-12; 7:9-16; 8:3-16; 11:45-63; 12:27-50; 13:40-44; 14:24-35; 18:31-34; Claims 1-16; '859 Patent, Figs. 1, 2, 3, 7, 8; Col. 4:15-20, 5:17-53; 6:10-12; 7:9-16; 8:3-16; 11:45-63; 12:27-50; 13:40-44; 14:24-35; 18:31-34; '973 Patent, Figs. 1, 2, 3, 7, 8; Col. 5:30-48; 6:23-42; 8:2-29; 11:58-12:9; 12:40-53. CORT0001023- CORT0001032

Term #	Patent (Claims)	Claim Term or Phrase	Plaintiff's Proposed Claim Construction	Supporting References
2	All Asserted Claims	"credential"	No construction necessary	
3	'531 Patent (Claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 14, 15, 17, 18, 20) '854 Patent (All Asserted Claims) '859 Patent (All Asserted Claims) '973 Patent, (Claims 1, 2, 4, 16 and 17)	"qualification"	No construction necessary	
4	'531 Patent, (Claims 1, 15, 21); '854 Patent, (Claims 1, 8, 15) '859 Patent, (Claims 1, 2, 10, 18, 19, 21) '973 Patent, (Claims 1, 2, 9, 16, 17)	"a virtual representation of the credential that has been verified by an issuing agency to be an official representation [of] the credential"/ "a first virtual representation of [an/the] original credential that has been verified by an issuing agency to be a first official representation of the original credential"/	No construction necessary	

Term #	Patent (Claims)	Claim Term or Phrase	Plaintiff's Proposed Claim Construction	Supporting References
		"a second virtual representation of the [original] credential that has been verified by the issuing agency to be a second official representation of the [original] credential"		
5	'854 Patent (All Asserted Claims)	"wherein the first OVER file is itself a first new credential of the user" / "wherein the second OVER file is itself a second new credential over the first OVER file and the original credential" / "wherein the first OVER file is itself a first credential of the user"	No construction necessary	
6	'854 Patent (Claim 16)	"the OVER file"	No construction necessary	
7	'531 Patent (Claim 14)	"the stored credential"	No construction necessary	