From: Lear Jiang
To: Ogi Zivojnovic; John McKee; "Wen Wu"; "Proxense-SG"; "Proxense"; "dhecht@hechtpartners.com"; "mprice@hechtpartners.com"; Brian Melton; Bryce T. Barcelo; "cmcdonough@hechtpartners.com"; Geoffrey L. Harrison; Meng Xi
Cc: "Blake Thompson"; "Michelle Allred"; QE-Google-Proxense
Subject: Re: Proxense/Google - Google"s Proposed Claim Terms for Construction
Date: Tuesday, October 17, 2023 12:48:42 AM

[EXTERNAL EMAIL from ljiang@susmangodfrey.com]

Thanks, Ogi.

I have edited your chart slightly, below.

Terms
"an access message … [allowing / allows] the user [access to an application / to access an application]" ('730 claims 1, 15; '954 claim 1, 22)
"an access message … [allowing / allows] the user to complete a financial transaction ('905 claim 1, 13)
"The method of claim 1, wherein the biometric data and the scan data are both based on a fingerprint scan by the user." ('730 claim 5)
"integrated device" ('730 claims 1, 15)
"persistently storing biometric data of [a/the] user and a plurality of codes and other data values comprising a device ID code uniquely identifying [an/the] integrated device and a secret decryption value" ('730 claim 1, 15; '954 claim 1, 22)
"receiver-decoder circuit" ('042 claim 10; '289 claim 14)
"personal digital key" ('042 claim 10; '289 claim 14 (via agreed construction of "hybrid device"))

We believe that references to "the user [access to an application / to access an application]" is different from "the user to complete a financial transaction."

To be clear, however, Proxense does not believe that any additional terms need to be construed beyond what the Court had previously construed in the *Samsung* case.

Thanks,
Lear
--
Lear Jiang | **Susman Godfrey L.L.P.**
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From: Ogi Zivojnovic <ogizivojnovic@quinnemanuel.com>
Date: Monday, October 16, 2023 at 9:00 PM
To: John McKee <johnmckee@quinnemanuel.com>, Lear Jiang <LJiang@susmangodfrey.com>, 'Wen Wu' <wwu@hechtpartners.com>, 'Proxense-SG' <sg-proxense@hechtpartners.com>, 'Proxense' <proxense@hechtpartners.com>, 'dhecht@hechtpartners.com' <dhecht@hechtpartners.com>, 'mprice@hechtpartners.com' <mprice@hechtpartners.com>, Brian Melton <BMelton@SusmanGodfrey.com>, Bryce T. Barcelo <BBarcelo@susmangodfrey.com>, 'cmcdonough@hechtpartners.com' <cmcdonough@hechtpartners.com>, Geoffrey L. Harrison <gharrison@susmangodfrey.com>, Meng Xi <MXi@susmangodfrey.com>
Cc: 'Blake Thompson' <blake@themannfirm.com>, 'Michelle Allred' <ma@themannfirm.com>, QE-Google-Proxense <qe-google-proxense@quinnemanuel.com>
Subject: RE: Proxense/Google - Google's Proposed Claim Terms for Construction

EXTERNAL Email
Counsel,

Please find below Google's proposed constructions for the terms the parties will be briefing:

Term	Construction
"an access message … [allowing / allows] the user [to access an application / access to an application / complete a financial transaction]" ('730 claims 1, 15; '954 claim 1, 22; '905 claim 1, 13)	"a signal or notification allowing the user to [access an application / complete a financial transaction]"
"The method of claim 1, wherein the biometric data and the scan data are both based on a fingerprint scan by the user." ('730 claim 5)	indefinite or invalid under 35 U.S.C. § 112, ¶ 4 alternatively: wherein the biometric data and the scan data of claim 1 consists of a single fingertip
"integrated device" ('730 claims 1, 15)	Indefinite
"persistently storing biometric data of [a/the] user and a plurality of codes and other data values comprising a device ID code uniquely identifying [an/the] integrated device and a secret decryption value" ('730 claim 1, 15; '954	Indefinite

claim 1, 22)	
"receiver-decoder circuit" ('042 claim 10; '289 claim 14)	a collection of circuit components capable of wirelessly receiving data in an encrypted format and decoding the encrypted data for processing
"personal digital key" ('042 claim 10; '289 claim 14 (via agreed construction of "hybrid device"))	a collection of circuit components that includes an antenna, a transceiver, and a controller and memory for storing information particular to a user

In addition, below are the terms for which the parties agreed to constructions from the previous *Samsung* case, as requested by Proxense in its e-mail identifying terms for construction. To the extent Proxense has changed its position or there is no agreement, Google reserves its right to propose new constructions and brief these terms.

Term	***Samsung* Construction**
"device ID code" / "ID code" ('730 claims 1, 15; '954 claims 1, 22; '905 claim 1, 13)	"a unique code identifying a device"
"access message" ('730 claims 1, 15; '954 claims 1, 22; '905 claim 1, 13)	"a signal or notification enabling or announcing access"
"persistently storing . . . a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered" ('730 claims 1, 15)	Plain and ordinary meaning
"hybrid device" ('042 claim 10; '289 claim 14)	"A device comprising an integrated personal digital key (PDK) and an integrated receiver-decoder circuit"
"enablement signal" ('042 claim 10; '289 claim 14; '960 claim 14)	Plain and ordinary meaning

Google makes these disclosures based on its current understanding of the case and reserve its right to supplement, amend, or otherwise modify these proposed constructions in any way permitted by the Federal Rules of Civil Procedure, this Court's Standing Orders, and this Court's Order Governing Proceedings-Patent Case. To the extent that Proxense is permitted to amend or supplement its infringement contentions in the future, or otherwise change or further clarify the positions it has taken in this case (including to add or to change in any way the claim(s) currently asserted, or to modify their apparent interpretation of the scope of the claim(s)), Google reserves the right to respond, including by modifying or adding to its proposed terms for construction and proposed constructions. Furthermore, Google reserves its right to modify its proposed constructions after considering Proxense's proposed constructions, participating in conferences with Proxense concerning the parties' proposed constructions, in light of the extrinsic evidence identified by the parties in support of their proposed constructions, and/or based on arguments made by Proxense in the briefing.

Best,
Ogi

From: John McKee <johnmckee@quinnemanuel.com>
Sent: Friday, October 13, 2023 3:36 PM
To: Lear Jiang <LJiang@susmangodfrey.com>; 'Wen Wu' <wwu@hechtpartners.com>; 'Proxense-SG' <sg-proxense@hechtpartners.com>; 'Proxense' <proxense@hechtpartners.com>; 'dhecht@hechtpartners.com' <dhecht@hechtpartners.com>; 'mprice@hechtpartners.com' <mprice@hechtpartners.com>; Brian Melton <BMelton@SusmanGodfrey.com>; Bryce T. Barcelo <BBarcelo@susmangodfrey.com>; 'cmcdonough@hechtpartners.com' <cmcdonough@hechtpartners.com>; Geoffrey L. Harrison <gharrison@susmangodfrey.com>; Meng Xi <MXi@susmangodfrey.com>
Cc: 'Blake Thompson' <blake@themannfirm.com>; 'Michelle Allred' <ma@themannfirm.com>; QE-Google-Proxense <qe-google-proxense@quinnemanuel.com>
Subject: RE: Proxense/Google - Google's Proposed Claim Terms for Construction

Counsel,

Following up on my email below, Google agrees to the following construction from the Court's claim construction order in the *Samsung* case:

Terms	*Samsung* Constructions
"device ID code" / "ID code" ('730 claims 1, 15; '954 claims 1, 22; '905 claim 1)	"a unique code identifying a device"
"access message" ('730 claims 1, 15; '954 claims 1, 22; '905 claim 1, 13)	"a signal or notification enabling or announcing access"
"[unable to be / not capable of being] subsequently altered" ('730 claims 1, 15; '954 claims 1, 22)	Plain and ordinary meaning
"persistently storing . . . a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered" ('730 claims 1, 15)	Plain and ordinary meaning
"hybrid device" ('042 claim 10; '289 claim 14)	"A device comprising an integrated personal digital key (PDK) and an integrated receiver-decoder circuit"
"enablement signal" ('042 claim 10; '289 claim 14; '960 claim 14)	Plain and ordinary meaning

Google additionally proposes construing "an access message … [allowing / allows] the user [access to an application / to access an application / to complete a financial transaction]" across all patents ('730 claims 1, 15; '954 patent claims 1, 22; '905 patent claims 1, 13) and not just the '730 patent, as was the case in the *Samsung* order.

In addition, Google is dropping the following terms that it previously identified for construction:

- "secret decryption value" ('730 claims 1, 15; '954 claims 1, 22)
- "legitimate user" ('905 claim 1)
- "an authentication unit" ('730 claim 15)

- "receiving a first signal[,] at the integrated [RDC / wireless communication interface]" ('042 claim 10; '289 claim 14; '960 claim 14)
- "device associated with an external RDC" ('042 claim 10)
- "enabling" ('042 claim 10; '289 claim 14; '960 claim 14)
- "integrated device" (but only as to the '954 and '905 patent; Google still intends to seek construction of the term in the context of the '730 patent)

To summarize and to avoid any confusion, we believe the parties will be proposing competing constructions for the following terms. Please let us know, however, if we inadvertently omitted any that you believe require construction.

Terms
"an access message … [allowing / allows] the user [access to an application / to access an application / to complete a financial transaction]" ('730 claims 1, 15; '954 claim 1, 22; '905 claim 1, 13)
"The method of claim 1, wherein the biometric data and the scan data are both based on a fingerprint scan by the user." ('730 claim 5)
"integrated device" ('730 claims 1, 15)
"persistently storing biometric data of [a/the] user and a plurality of codes and other data values comprising a device ID code uniquely identifying [an/the] integrated device and a secret decryption value" ('730 claim 1; '954 claim 1)
"receiver-decoder circuit" ('042 claim 10; '289 claim 14)
"personal digital key" ('042 claim 10)

Best,

From: John McKee <johnmckee@quinnemanuel.com>
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Cc: 'Blake Thompson' <blake@themannfirm.com>; 'Michelle Allred' <ma@themannfirm.com>; QE-Google-Proxense <qe-google-proxense@quinnemanuel.com>
Subject: Proxense/Google - Google's Proposed Claim Terms for Construction

Counsel,

Defendant Google LLC proposes the following claim terms for construction. Below, we have listed only independent claims in which the terms appear.

<u>'730 / '954 / '905 Patents</u>

- "device ID code" / "ID code" ('730 claims 1, 15; '954 claims 1, 22; '905 claim 1)

- “[unable to be / not capable of being] subsequently altered” (’730 claims 1, 15; ’954 claims 1, 22)
- “persistently storing biometric data of [a/the] user and a plurality of codes and other data values comprising a device ID code uniquely identifying [an/the] integrated device and a secret decryption value” (’730 claim 1; ’954 claim 1)
- “secret decryption value” (’730 claims 1, 15; ’954 claims 1, 22)
- “access message” (’730 claims 1, 15; ’954 claims 1, 22; ’905 claim 1)
- “an authentication unit” (’730 claim 15)
- “integrated device” (’730 claims 1, 15; ’954 claim 1; ’905 claim 1)
- “The method of claim 1, wherein the biometric data and the scan data are both based on a fingerprint scan by the user.” (’730 claim 5)
- “legitimate user” (’905 claim 1)

’042 / ’289 / ’960 Patents

- “receiver-decoder circuit” (’042 claim 10; ’289 claim 14)
- “personal digital key” (’042 claim 10)
- “receiving a first signal[,] at the integrated [RDC / wireless communication interface]” (’042 claim 10; ’289 claim 14; ’960 claim 14)
- “device associated with an external RDC” (’042 claim 10)
- “hybrid device” (’042 claim 10; ’289 claim 14)
- “enabling” (’042 claim 10; ’289 claim 14; ’960 claim 14)
- “enablement signal” (’042 claim 10; ’289 claim 14; ’960 claim 14)

John

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