

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUMIO CORP.,
Petitioner,

v.

FACETEC, INC.,
Patent Owner.

IPR2025-00106 (Patent 10,776,471 B2)

IPR2025-00107 (Patent 11,157,606 B2)

IPR2025-00108 (Patent 11,693,938 B2)

IPR2025-00109 (Patent 11,874,910 B2)¹

Before GARTH D. BAER, NABEEL U. KHAN, and BACH V. HOANG,
Administrative Patent Judges.

KHAN, *Administrative Patent Judge.*

ORDER

Dismissing as Moot

Patent Owner's Motion to Exclude

Patent Owner's Motion to Strike

Patent Owner's Motion to File Supplemental Information

¹ We issue a combined Scheduling Order in each proceeding for purposes of efficiency. The parties are not authorized to use this combined case caption. Representative citations are to IPR2024-00106 unless noted.

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Patent Owner's Motion to Exclude (Paper 61)

Patent Owner moves to exclude the expert declarations of Dr. Daft (exhibits 1003 and 1060) filed with the Petition and Petitioner's Reply to Patent Owner's Response. Paper 61, 1. Patent Owner argues that these declarations should be excluded because Dr. Daft's opinion fails, under Federal Rule of Evidence 702, to offer the opinion of an expert with requisite scientific, technical, or specialized knowledge. Paper 61, 1. Petitioner filed an Opposition to Patent Owner's Motion to Exclude. Paper 66. Patent Owner filed a Reply in Support of Its Motion to Exclude. Paper 67. We have reviewed Patent Owner's motion, Petitioner's Opposition, and Patent Owner's Reply. We determine Patent Owner's motion is moot because, as we explain in our Final Written Decision, we decide the case in Patent Owner's favor even considering Dr. Daft's declarations. *See, generally*, Paper 86.

Patent Owner's Motion to Strike (Paper 62)

Patent Owner also moves to strike what Patent Owner characterizes as "new arguments in Jumio's Reply (Papers 52/54) and Reply Declaration (EX1060)." Paper 62, 1. These "new arguments" include Petitioner's reliance on what Patent Owner characterizes as the "spoofing photograph" from Derakhshani (Paper 62, 1–2); (2) Petitioner's reliance on what Patent Owner characterizes as a "close-up image" with vaculature and a "further-away image" without (Paper 62, 3); and (3) Petitioner's reliance on Zhang's "motion estimation technique" (Paper 62, 3–4); and (4) Petitioner's reliance on Derakhshani 19:30–37 in the Zhang grounds (Paper 62, 4–5). We

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determine Patent Owner’s motion is moot because we decide the case in Patent Owner’s favor even if we consider all of the aforementioned “new arguments.” *See, generally*, Paper 86.

Patent Owner’s Motion to File Supplemental Information (Paper 65)

Patent Owner moves to “introduce a narrowly tailored declaration from FaceTec’s Chief Technology Officer, Josh Rose, as to the criticality—or lack thereof” of features that Petitioner argues are critical to Patent Owner’s product, but are unclaimed. Paper 65, 1. The supplemental evidence that Patent Owner seeks to introduce relates to its argument that a presumption of nexus exists between the objective evidence of non-obviousness and the merits of the claimed invention. Paper 65, 1. We determine this motion is moot because, as we explain in our Final Written Decision, we determine Patent Owner has established a direct nexus, at least for some objective evidence of non-obviousness. Paper 86, 30 (“Patent Owner has demonstrated a nexus by showing that certain objective indicia . . . are the direct result of the unique characteristics of the claimed invention.”). Thus, we decide the issue of nexus in favor of Patent Owner without considering Patent Owner’s supplemental information.

ORDER

Accordingly, it is:

ORDERED that Patent Owner Motion to Exclude is dismissed as moot;

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FURTHER ORDERED that Patent Owner's Motion to Strike is dismissed as moot;

FURTHER ORDERED that Patent Owner's Motion to File Supplemental Information is dismissed as moot.

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