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

CARDWARE, INC.,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 1:25-CV-00446-ADA
	§	
APPLE INC.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	
	§	
	§	

CARDWARE INC.'S PRELIMINARY PROPOSED CLAIM CONSTRUCTIONS FOR IDENTIFIED TERMS

Pursuant to Exhibit A to the March 3, 2025 Joint Motion for Entry of Scheduling Order (ECF No. 39-1), Plaintiff CardWare Inc. ("CardWare") hereby provides proposed claim constructions for the terms identified in the parties' April 21, 2025 identified terms for construction, as modified by Apple Inc.'s ("Apple's") May 2, 2025 e-mail dropping certain terms identified below. At the current stage, Apple's positions and reasons for construing the terms or proposing indefiniteness are unclear. Accordingly, CardWare reserves the right to supplement its proposed constructions in response to Apple's positions.

IPR2025-01145
Apple EX1012 Page 1

I. CARDWARE'S PRELIMINARY POSITIONS ON PROPOSED TERMS IDENTIFIED BY CARDWARE

No.	Term/Phrase/Clause	Relevant Claim(s)	Proposed Construction
1.	"the payment information"	'520 Patent: Claim 1	"payment information for making a payment transaction"
2.	"rendered the display"	'520 Patent: Claim 15	"rendered on the display"
3.	"rejecting a limited-use number, by the payment processing authority, on at least one"	'579 Patent: Claim 6	"rejecting a limited-use number, by the payment processing authority, based on at least one"
4.	"a device biometric sensing the electronic device is continuously remaining in the proximity contact of a valid user"	'579 Patent: Claim 9	"a device biometric sensing that the electronic device is continuously remaining in the proximity contact of a valid user"
5.	"reduce"	'634 Patent Claim 4	"produce"
6.	"via said NFC for receipt by an NFC recipient"	'634 Patent: Claim 4	"via said NFC interface for receipt by an NFC recipient"
7.	"Lather"	'634 Patent: Claim 5	"further"
8.	"in place of the issued payment account information said NFC interface"	'634 Patent: Claim 18	"in place of the issued payment account information via said NFC interface"
9.	"preforming"	'634 Patent: Claim 28	"performing"
10.	"received the user input device coupled to the processor"	'634 Patent: Claim 55	"received via the user input device coupled to the processor"

II. CARDWARE'S PRELIMINARY POSITIONS ON PROPOSED TERMS IDENTIFIED BY APPLE

No.	Term/Phrase/Clause	Relevant Claim(s)	Proposed Construction
1.	"limited-use"	'520 patent, claims 1, 6, 7, 10, 18, 22, 23 '820 patent, claims 1, 4, 10, 11, 13-15, 17-19 '579 patent, claims 1, 3-6, 15, 19, 21-23 '538 patent, claims 1, 4-23, 25, 28, 29, 30 '286 patent, claims 1, 6, 8, 9, 15, 16, 20, 22-24, 26 '634 patent, claims 1, 2, 4-6, 18-22, 29-30, 36-39, 45, 56, 62	Not indefinite. Plain and ordinary meaning.
2.	"payment information"	'520 patent, claims 1, 10, 13, 17, 23 '820 patent, claims 1, 2, 4, 10, 11, 13-15, 17, 18 '579 patent, claims 1, 2, 4, 15, 19, 21-23 '538 patent, claims 1-17, 19-21, 25, 27-30 '286 patent, claims 1, 6-10, 15, 16, 18-20, 22-24, 26 '634 patent, claims 1-6, 17-23, 27-30, 36-39, 45, 55-56, 62, 72	*Dropped per May 2, 2025 E-mail from Apple*
3.	Markush group claim terms, including for example the following terms: "based on at least one of a set…including" / "comprises one or more of" / "at least one of…comprising" / "at least	'520 patent, claims 1, 2, 4, 5, 10, 11, 12, 13, 14, 17, 18, 19, 20 '820 patent, claims 1, 10, 11, 13-15, 19, 20 '579 patent, claims 2-3, 5-6, 8-9, 11-12, 14-18, 20, 23	Not indefinite. Plain and ordinary meaning.

No.	Term/Phrase/Clause	Relevant Claim(s)	Proposed Construction
	one of a set including" / "at least one of" / "is any one of" / "at least one…of a set…comprising" / "at least one, of a set…including" / "at least a portion…comprising" / "at least one…from a set…including" / "at least one…from a set…comprising" / "at least one" / "selected from a set comprising" / "at least one … [of/from] [a/the] set comprising: …" / "with any of"	'538 patent, claims 1, 3, 7, 11, 19, 22, 23, 26, 30 '286 patent, claim 12 '634 patent, claim 10	
4.	Printed matter claim terms set forth in Exhibit A, including for example: "having no fixed payment numbers disposed thereon"	'520 patent, claims 7, 14 '820 patent, claims 1, 2, 11, 15, 16, 17, 19, 20 '579 patent, claims 1, 5, 9, 15, 16, 19 '538 patent, claims 1, 6, 7, 19, 21, 22, 25, 29, 30 '286 patent, claims 1, 5, 10, 15, 17, 19, 20 '634 patent, claims 1, 16, 29, 39, 56	Not indefinite. Plain and ordinary meaning.
5.	"the user provided payment information"	'520 patent, claim 1	Not indefinite. Plain and ordinary meaning.
6.	"the payment information"	'520 patent, claims 1, 10	Not indefinite. Plain and ordinary meaning.
7.	"the transaction unit"	'520 patent, claim 8	Not indefinite. Plain and ordinary meaning.

No.	Term/Phrase/Clause	Relevant Claim(s)	Proposed Construction
8	"said limited-use payment information"	'538 patent, claim 1	Not indefinite. Plain and ordinary meaning.
9.	"said secrets"	'538 patent, claim 27	Not indefinite. Plain and ordinary meaning.
10.	"coupled to" / "operatively coupled to" / "attached to"	'520 patent, claim 1 '820 patent, claims 1, 11 '579 patent, claims 1, 19 '538 patent, claim 1 '286 patent, claims 1, 20 '634 patent, claims 1, 29, 39, 55, 56	*Dropped per May 2, 2025 E-mail from Apple*
11.	"a request for a transaction payment" / "payment request" / "transaction request" / "request for payment of a transaction"	'579 patent, claims 1, 9, 11, 15, 19 '538 patent, claims 1, 19 '634 patent, claims 1, 29, 39, 56 '820 patent, claim 5	Not indefinite. Plain and ordinary meaning.
12.	"the method of claim 1 wherein a payment processing authority verifies a limited-user number . . . and rejecting a limited use number"	'579 patent, claim 6	Not indefinite. Plain and ordinary meaning.
13.	"the payment information provided by the computing device"	'820 patent, claim 15	Not indefinite. Plain and ordinary meaning.
14.	"The system of claim 15… comprising… a user input providing for at least one user action…"	'820 patent, claim 20	Not indefinite. Plain and ordinary meaning.

No.	Term/Phrase/Clause	Relevant Claim(s)	Proposed Construction
15.	"its valid limitations of use"	'286 patent, claims 1, 15	Not indefinite. Plain and ordinary meaning.
16.	"transceiver" '	'286 patent, claims 7-9	Not indefinite. Plain and ordinary meaning.
17.	"cryptographic processor"	'820 patent, claim 1 '579 patent, claims 23 '538 patent, claim 27	*Dropped per May 2, 2025 E-mail from Apple*
18.	"motion rate detection array" / "motion detection interface[/unit]" / "army[/array] of motion sensors"	'520 patent, claims 1, 2, 3 '579 patent, claims 7, 9, 15, 20 '634 patent, claims 54	*Dropped per May 2, 2025 E-mail from Apple*
19.	"wherein the user provided payment information is communicated wirelessly" / "wherein the issuer provided payment information is communicated wirelessly"	'520 patent, claims 1, 10	*Dropped per May 2, 2025 E-mail from Apple*
20.	"wirelessly receiving a static device account number payment information for storage on the electronic device" / "receiving wirelessly a static device account number payment information for storage on the electronic device"	'520 patent, claims 1, 10	*Dropped per May 2, 2025 E-mail from Apple*

Dated: May 5, 2025

Respectfully submitted,

/s/ Matthew G. Berkowitz
Matthew G. Berkowitz
Yue (Joy) Wang
Navid C. Bayar
Reichman Jorgensen Lehman & Feldberg LLP
100 Marine Parkway, Suite 300
Redwood Shores, CA 94065
Tel: (650) 623-1401
mberkowitz@reichmanjorgensen.com
ywang@reichmanjorgensen.com
nbayar@reichmanjorgensen.com

Caroline Walters
Khue Hoang
Patrick Colsher
Reichman Jorgensen Lehman & Feldberg LLP
400 Madison Avenue, Suite 14D
New York, NY 10017
Tel: (212) 381-1965
cwalters@reichmanjorgensen.com
khoang@reichmanjorgensen.com
pcolsher@reichmanjorgensen.com

Eric H. Findlay
State Bar No. 00789668
Brian Craft
State Bar No. 04972020
FINDLAY CRAFT, P.C.
102 N. College Avenue, Suite 900
Tyler, Texas 75702
Tel: (903)534-1100
Fax: (903)534-1137
efindlay@findlaycraft.com
bcraft@findlaycraft.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that on May 5, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via electronic mail.

/s/ Yue (Joy) Wang
Yue (Joy) Wang