Outlook

RE: CardWare v. Apple, Case No. 1:25-cv-00446-ADA - CardWare Identification of Extrinsic Evidence

From Joy Wang <ywang@reichmanjorgensen.com>

Date Mon 5/19/2025 12:14 PM

To Maggiore, Peter <peter.maggiore@us.dlapiper.com>; Hodari, Ahimsa <Ahimsa.Hodari@us.dlapiper.com>; Yaghoubian, Benjamin <Benjamin.Yaghoubian@us.dlapiper.com>; Manzano, Carmen <carmen.manzano@us.dlapiper.com>; Gibson, Erin <Erin.Gibson@us.dlapiper.com>; Brady, Debby <Debby.Brady@us.dlapiper.com>; john.guaragna@dlapiper.com <john.guaragna@dlapiper.com>; alice.lineberry@dlapiper.com <alice.lineberry@dlapiper.com>; Muller, Sandra <sandra.muller@us.dlapiper.com>; Ellison, Martin <Martin.Ellison@us.dlapiper.com>; Saulnier, Mike <Michael.Saulnier@us.dlapiper.com>; nandan.padmanabhan@dlapiper.com <nandan.padmanabhan@dlapiper.com>; Houst, Kiersten <Kiersten.Houst@us.dlapiper.com>; Williams, Robert <robert.williams@us.dlapiper.com>; sean.cunningham@dlapiper.com <sean.cunningham@dlapiper.com>; Jones, Sally <sally.jones@us.dlapiper.com>; Loney, Zachary <Zachary.Loney@us.dlapiper.com>

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Counsel,

During our claim construction meet and confer on Thursday, May 15, Apple requested that Cardware consider some of Apple's clarified positions. Below are Cardware's responses to the open items identified during the meet and confer:

- CardWare's Proposed Term 1: CardWare disagrees that claim 1 of the '520 patent is indefinite. However, CardWare will drop its assertion of claim 1 (and dependent claims 2-9) of the '520 patent. This should moot the issue.

- Apple's Proposed Term 3 (Alleged Printed Matter Identified in Exhibit A): CardWare disagrees that all of the claim language that Apple identified in its Exhibit A constitutes printed matter. However, to narrow the dispute, CardWare is willing to stipulate that only the following claim language does not have patentable weight:
  - '820 Claim 2: "wherein the fixed payment information includes only: a card-holder name; a payment issuing logo; and a card payment network logo"
  - '820 Claim 12: "and bears only: the cardholders name; a brand logo; and the card payment network logo"
  - '820 Claim 16: "and bears only: the cardholders name; a brand logo; and the card payment network logo"
  - '286 Claim 19: "and wherein the fixed payment information comprises only: a card-holder name; a payment issuing logo; a card payment network logo and a card reader interface icon"

  The above stipulation should not be construed as an admission that any other elements or claim language or claims constitute printed matter (including any part of claims 2, 12, or 16 of the '820 patent claims or claim 19 of the '286 patent not listed immediately above).

- Apple's Proposed Term 7: While CardWare does not agree that claim 1 of the '538 patent was indefinite prior to the May 10, 2022 Certificate of Correction, Cardware is willing to

stipulate that it will not seek damages for the infringement of claim 1 (and dependent claims 2-17) of the ’538 patent for the period prior to May 10, 2022. We believe this resolves this dispute.

- Apple’s Proposed Term 9: Cardware disagrees that the various terms listed for the ’579, ’538, ’634, and ’820 patents should be construed as a “request to complete a specific payment.”

- Apple’s Proposed Term 14: Cardware can agree that “transceive” should be construed as “transmit and receive,” provided that Apple agrees that this construction does not require transmitting and receiving to occur at the same time. Please let us know.

Best regards,
Joy

From: Joy Wang <ywang@reichmanjorgensen.com>
Sent: Tuesday, May 13, 2025 8:40 AM
To: Maggiore, Peter <peter.maggiore@us.dlapiper.com>; Hodari, Ahimsa <Ahimsa.Hodari@us.dlapiper.com>; Yaghoubian, Benjamin <Benjamin.Yaghoubian@us.dlapiper.com>; Manzano, Carmen <carmen.manzano@us.dlapiper.com>; Gibson, Erin <Erin.Gibson@us.dlapiper.com>; Brady, Debby <Debby.Brady@us.dlapiper.com>; john.guaragna@dlapiper.com; alice.lineberry@dlapiper.com; Muller, Sandra <sandra.muller@us.dlapiper.com>; Ellison, Martin <Martin.Ellison@us.dlapiper.com>; Saulnier, Mike <Michael.Saulnier@us.dlapiper.com>; nandan.padmanabhan@dlapiper.com; Houst, Kiersten <Kiersten.Houst@us.dlapiper.com>; Williams, Robert <robert.williams@us.dlapiper.com>; sean.cunningham@dlapiper.com; Jones, Sally <sally.jones@us.dlapiper.com>; Loney, Zachary <Zachary.Loney@us.dlapiper.com>
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Hi Pete,

I’ll send an invite for Thursday at 2:30 PM PT.

Best regards,
Joy

From: Maggiore, Peter <peter.maggiore@us.dlapiper.com>
Sent: Tuesday, May 13, 2025 8:35 AM
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