**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. | § | |
| | § | |

**JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Court's Scheduling Order (D.I. 42) and the Court's March 5, 2025 Standing Order Governing Proceedings (OGP) at 7, Plaintiff CardWare Inc. ("CardWare") and Defendant Apple Inc. ("Apple") submit this Joint Claim Construction Statement for certain asserted claim terms in U.S. Patent Nos. 10,339,520 ("the '520 Patent"), 10,628,820 ("the '820 Patent"), 11,176,538 ("the '538 Patent"), 10,810,579 ("the '579 Patent"), 11,328,286 ("the '286 Patent"), and 11,620,634 ("the '634 Patent").

## I. DISPUTED CLAIM CONSTRUCTIONS

| # | Proposed By | Claim Term | Apple's Proposed Construction | CardWare's Proposed Construction |
|---|---|---|---|---|
| 1 | Apple | "the payment information"<br><br>'520 Patent, Claim 10 | Indefinite | Not indefinite. Plain and ordinary meaning |
| 2 | Apple | "Markush Group Claim Terms" (listed in D.I. 43-11)<br><br>'520 Patent, Claims 10-14, 17-20; '820 Patent, Claims 1, 10-11, 13-15, 19-20; '579 Patent, Claims 2-3, 5-9, 11-12, 14-18, 20, 23; '538 Patent, Claims 1, 3, 7, 11, 19, 22, 23, 26, 30; '286 Patent, Claim 12 | Indefinite | Not indefinite. Plain and ordinary meaning |
| 3 | Apple | "limited-use"<br><br>'520 Patent, Claims 10, 18, 22, 23<br>'820 Patent, Claims 1, 4, 10, 11, 13, 14, 15, 17, 18, 19<br>'579 Patent, Claims 1, 3, 4, 5, 6, 15, 19, 21, 22, 23<br>'538 Patent, Claims 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 28, 29, 30<br>'286 Patent, Claims 1, 6, 8, 9, 15, 16, 20, 22, 23, 24, 26<br>'634 Patent, Claims 1, 2, 4, 5, 6, 18, 19, 20, 21, 22, 29, 30, 36, 37, 38, 39, 45, 56, 62[1] | "limited to a finite number of transactions or specified period of time—e.g., 2 minutes, 10 minutes, 3 hours" | Not indefinite. Plain and ordinary meaning |
| 4 | Apple | "Printed Matter Terms" (listed in D.I. 43 at 17–18, 20) | Not entitled to patentable weight | Not indefinite. Plain and ordinary |

[1] CardWare objects to the inclusion of the following claims for this term because they were not identified in the Opening Brief and thus not briefed: '520 Patent, Claims 22, 23; '820 Patent, Claims 4, 10, 13, 14, 17, 18, 19; '579 Patent, Claims 3, 4, 5, 6, 21, 22, 23; '538 Patent, Claims 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 28, 29, 30; '286 Patent, Claims 6, 8, 9, 16, 22, 23, 24, 26; '634 Patent, Claims 2, 4, 5, 6, 18, 19, 20, 21, 22, 30, 36, 37, 38, 45, 62. The only claims identified during briefing were: '520 Patent, Claims 1, 10, 18; '820 Patent, Claims 1, 11, 15;'579 Patent, Claims 1, 15, 19; '538 Patent, Claims 1, 19, 25; '286 patent, Claims 1, 15, 20; '634 patent, Claims 1, 29, 39, 56. *See* D.I. 43 at 14–16.

| # | Proposed By | Claim Term | Apple's Proposed Construction | CardWare's Proposed Construction |
|---|---|---|---|---|
| | | '520 Patent Claim 14;<br>'820 Patent, Claims 1, 2, 11, 12, 15, 16;<br>'579 Patent Claims 1, 9, 15;<br>'286 Patent, Claims 1, 5, 10, 15, 19, 20 | | meaning. Not subject to the printed matter doctrine. |
| 5 | Apple | "the system of claim 15 . . . comprising . . . a user input providing for at least one user action . . ."<br><br>'820 Patent, Claim 20 | Indefinite | Not indefinite. Plain and ordinary meaning |
| 6 | Apple | "the method of claim 1 wherein a payment processing authority verifies a limited-user number . . . And rejecting a limited use number"<br><br>'579 Patent, Claim 6 | Indefinite | Not indefinite. Plain and ordinary meaning |
| 7 | Apple | "said secrets"<br><br>'538 Patent, Claim 27 | Indefinite | Not indefinite. Plain and ordinary meaning |
| 8 | Apple | "its valid limitations of use"<br><br>'286 Patent, Claims 1 and 15 | Indefinite | Not indefinite. Plain and ordinary meaning |

## II. AGREED CLAIM CONSTRUCTIONS

| # | Proposed By | Claim Term | Agreed Construction |
|---|---|---|---|
| 1 | CardWare | "rendered the display"<br><br>'520 Patent Claim 15 | "rendered on the display" |
| 2 | CardWare | "rejecting a limited-use number, by the payment processing authority, on at least one"<br><br>'579 Patent: Claim 6 | "rejecting a limited-use number, by the payment processing authority, based on at least one" |
| 3 | CardWare | "a device biometric sensing the electronic device is continuously remaining in the | "a device biometric sensing that the electronic device is continuously |

| # | Proposed By | Claim Term | Agreed Construction |
|---|---|---|---|
| | | proximity contact of a valid user"<br><br>'579 Patent, Claim 9 | remaining in the proximity contact of a valid user" |
| 4 | CardWare | "reduce"<br><br>'634 Patent, Claim 4 | "produce" |
| 5 | CardWare | "via said NFC for receipt by an NFC recipient"<br><br>'634 Patent, Claim 4 | "via said NFC interface for receipt by an NFC recipient" |
| 6 | CardWare | "Lather"<br><br>'634 Patent, Claim 5 | "further" |
| 7 | CardWare | "in place of the issued payment account information said NFC interface"<br><br>'634 Patent, Claim 18 | "in place of the issued payment account information via said NFC interface" |
| 8 | CardWare | "preforming"<br><br>'634 Patent, Claim 28 | "performing" |
| 9 | CardWare | "received the user input device coupled to the processor"<br><br>'634 Patent, Claim 55 | "received via the user input device coupled to the processor" |
| 10 | Apple | "wherein the fixed payment information includes only: a card-holder name; a payment issuing logo; and a card payment network logo"<br><br>'820 Patent, Claim 2 | Not entitled to patentable weight. |
| 11 | Apple | "and bears only: the cardholders name; a brand logo; and the card payment network logo"<br><br>'820 Patent, Claims 12, 16 | Not entitled to patentable weight. |
| 12 | Apple | "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" | Not entitled to patentable weight. |

| # | Proposed By | Claim Term | Agreed Construction |
|---|---|---|---|
| | | ’286 Patent, Claim 19 | |
| 13 | Apple | “transceive”<br><br>’286 Patent, Claims 7, 8, 9 | “transmit and receive”<br><br>This term does not require simultaneous transmitting and receiving. |

Dated: July 18, 2025

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT APPLE INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 18, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing *via* electronic mail to all counsel of record.

*/s/ Eric H. Findlay*
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