

Ex. 538-8 – Invalidity of the '538 Patent in view of Lin '337

This chart is subject to all reservations, objections, and disclaimers in Apple's Invalidity Contentions and any amendment, supplement, or modification thereof, which are incorporated herein by reference in their entirety.

WO2010039337A2 ("Lin '337"), qualifies as prior art to U.S. Patent No. 11,176,538 ("the '538 patent") at least under pre-AIA 35 U.S.C. §§ 102(a), 102(b), and/or 103, or to the extent Plaintiff is unable to establish that the '538 patent is entitled to an earlier priority date, under post-AIA 35 U.S.C. §§ 102 and/or 103. Lin '337 was filed on August 11, 2009 and originally published on April 8, 2010.

Lin '337 anticipates the Asserted Claims of the '538 patent (claims 1–30, as set forth in Plaintiff's preliminary infringement contentions served on February 10, 2025). To the extent it is found Lin '337 does not expressly disclose certain limitations in the Asserted Claims, such limitations are at least implicitly or inherently disclosed. Moreover, to the extent it is found that Lin '337 does not anticipate the Asserted Claims, Lin '337 renders obvious the Asserted Claims, either alone or in combination with one or more of the prior art references identified in the cover pleading, in the chart of secondary references (Ex. 538–103), and other claim charts, and/or in combination with the general knowledge of a person having ordinary skill in the art.

In these contentions, Apple has relied in part on Plaintiff's infringement contentions. In those contentions, Plaintiff appears to pursue overly broad claim constructions in an effort to assert infringement where none exists, and to accuse products that do not infringe the claims. Apple's assertion that a particular limitation is disclosed by a prior art reference and/or is disclosed in a particular manner may be based in part on Plaintiff's apparent claim interpretations. In relying on Plaintiff's apparent claim interpretations, Apple does not admit that Plaintiff's apparent claim interpretations are supportable or proper or that the claim limitations in question are definite or otherwise amenable to construction.

In addition, citations to portions of any reference in this chart are examples only. Apple will rely on the entirety of the references cited in this chart to show that the Asserted Claims are invalid.

Discovery is ongoing and Apple will update this chart pursuant to Federal Rule of Civil Procedure 26(e), the Local Rules, and the Orders of record in this matter, subject to further investigation and discovery regarding the reference, the Court's construction of the claims at issue, and discovery generally, including third-party discovery.

U.S. Pat. No. 11,176,538	Exemplary citations to WO2010039337A2 ("Lin '337")
1[pre]. A method of performing a payment transaction, the method comprising:	To the extent the preamble is limiting, Lin '337 expressly or inherently discloses "[a] method of performing a payment transaction." For example: Lin '337 at 1:6–8 Embodiments of the present disclosure relate generally to peer-to-peer transactions and, more particularly, to various systems, methods, and electronic devices configured to initiate and process such transactions. Lin '337 at 26:8–26 In certain embodiments, the preferences 72 may further determine properties of the above-mentioned communication interfaces 56 (e.g., including 58, 60, 62, 64, 66, 68, and 70). For instance, the preferences 72 may include a list of networks that the device 10 may connect to and may further govern the order or

Ex. 538-10 – Invalidity of the '538 Patent in view of Toomer '308

This chart is subject to all reservations, objections, and disclaimers in Apple's Invalidity Contentions and any amendment, supplement, or modification thereof, which are incorporated herein by reference in their entirety.

US20090210308A1 ("Toomer '308"), qualifies as prior art to U.S. Patent No. 11,176,538 ("the '538 patent") at least under pre-AIA 35 U.S.C. §§ 102(a), 102(b), 102(e) and/or 103, or to the extent Plaintiff is unable to establish that the '538 patent is entitled to an earlier priority date, under post-AIA 35 U.S.C. §§ 102 and/or 103. Toomer '308 was filed on February 15, 2008 and originally published on August 20, 2009.

Toomer '308 anticipates the Asserted Claims of the '538 patent (claims 1–30, as set forth in Plaintiff's preliminary infringement contentions served on February 10, 2025). To the extent it is found Toomer '308 does not expressly disclose certain limitations in the Asserted Claims, such limitations are at least implicitly or inherently disclosed. Moreover, to the extent it is found that Toomer '308 does not anticipate the Asserted Claims, Toomer '308 renders obvious the Asserted Claims, either alone or in combination with one or more of the prior art references identified in the cover pleading, in the chart of secondary references (Ex. 538–103), and other claim charts, and/or in combination with the general knowledge of a person having ordinary skill in the art.

In these contentions, Apple has relied in part on Plaintiff's infringement contentions. In those contentions, Plaintiff appears to pursue overly broad claim constructions in an effort to assert infringement where none exists, and to accuse products that do not infringe the claims. Apple's assertion that a particular limitation is disclosed by a prior art reference and/or is disclosed in a particular manner may be based in part on Plaintiff's apparent claim interpretations. In relying on Plaintiff's apparent claim interpretations, Apple does not admit that Plaintiff's apparent claim interpretations are supportable or proper or that the claim limitations in question are definite or otherwise amenable to construction.

In addition, citations to portions of any reference in this chart are examples only. Apple will rely on the entirety of the references cited in this chart to show that the Asserted Claims are invalid.

Discovery is ongoing and Apple will update this chart pursuant to Federal Rule of Civil Procedure 26(e), the Local Rules, and the Orders of record in this matter, subject to further investigation and discovery regarding the reference, the Court's construction of the claims at issue, and discovery generally, including third-party discovery.

U.S. Pat. No. 11,176,538	Exemplary citations to US20090210308A1 ("Toomer '308")
1[pre]. A method of performing a payment transaction, the method comprising:	To the extent the preamble is limiting, Toomer '308 expressly or inherently discloses "[a] method of performing a payment transaction." For example: Toomer '308 at Abstract Methods, systems, and machine-readable media are disclosed for securely authorizing a financial transaction utilizing an electronic payment credential. According to one embodiment, a method of authorizing a financial transaction utilizing an electronic payment credential can comprise maintaining information identifying an account associated with the electronic payment credential. The information can also identify one or more electronic devices authorized to use the electronic payment credential. A request to authorize the transaction can be received. The request can include information identifying an electronic device presenting the payment credential. The transaction can be authorized based at least in part on the