UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OKTA, INC.,
Petitioner,

v.

THALES DIS FRANCE SAS,
Patent Owner.

IPR2026-00278
Patent 11,387,982

PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE TO THE PETITION

Petitioner replies to Patent Owner's Preliminary Response as follows:

A. Element [1.6.2]: Patent Owner Misconstrues the Claim Language and Misinterprets Both the Petition and the Prior Art

1. Patent Owner's Implicit Narrowing Construction Excludes Preferred Embodiments

Patent Owner's attempt to distinguish Starner rests on a false premise that the claimed "context data element" must be "the captured image itself," rather than "a derivative construct." Prelim. Resp. 12. Importantly, Element [1.6.2] claims not a raw captured image, but the representation of an image as a fixed-length bit string.

> hash distance, as an authentication; wherein said at least one context data element is a captured image represented as a string of bits with a fixed length for constituting said data packet, and wherein said hash is

EX1001, 14:15–18. The specification confirms that this "represent[ation]" is the result of data processing, such as where a "Machine Learning (or ML) engine [is used] to analyse [*sic*] a collected (or captured) image." EX1001, 6:48–52. The specification also describes how context data elements are "extract[ed]" via data processing from an "image signal" that is "captured by [a] phone camera." EX1001, 12:6–10, 11:51–53, 11:60–63. Nowhere does the '982 patent disclose the concept of a raw, unprocessed image captured as a fixed-length bit string. Patent Owner's implicit claim construction narrows Element [1.6.2] to the point of "exclud[ing] the preferred embodiment" and every other embodiment in the '982 patent. *GE Lighting Sols., LLC v. AgiLight, Inc.*, 750 F.3d 1304, 1311 (Fed. Cir. 2014).

2. The Petition and Prior Art Satisfy Both the Plain Meaning and Patent Owner's Implicit Narrowing Construction

First, the Petition does not, as Patent Owner falsely suggests, map Starner's "digital template" to the claimed "context data element." Prelim. Resp. 11–13. The Petition's context-data-element mapping instead rests on Starner's "eye-scan data" in "the form of a 1024-byte data record." Pet. 20–21 (citing EX1004, [0076], [0081], [0089]), 32. Starner's eye-scan data record can be part of a "digital template," which the Petition maps separately to the claimed "data packet." Pet. 22–23 (citing EX1004, [0077]). Patent Owner's misrepresentation of the Petition must be rejected.

Second, for the reasons discussed above, Element [1.6.2] does not require that the claimed "context data element" be an unprocessed version of the captured image itself. Thus, even in the scenario Patent Owner promotes, where Starner's 1024-byte record represents processed eye-scan data, such as iris patterns, that record would still satisfy the properly interpreted claim language. Prelim. Resp. 11–12.

Third, the Petition's context-data-element mapping satisfies Patent Owner's narrow construction of an unprocessed captured image. Again, the Petition relies on Starner's eye-scan data that are (A) a fixed-length bit string ("1024-byte data record") in "grayscale or color"; and (B) captured by sensors that "create, select, and/or digitize an image of the eye." EX1004, [0076]–[0077], [0089]; Pet. 20–21.

B. Element [1.5]: Attacking Starner Individually, Patent Owner Fails to Confront the Petition's Combination with Leskovec

Patent Owner mischaracterizes the Petition as arguing that "Starner must implicitly generate a hash distance." Prelim. Resp. 13. What the Petition actually says, however, is that Starner promotes the use of "a locality-sensitive hash (LSH) function"—just like the '982 patent (EX1001, 3:21–23, 3:32–34)—and a POSITA "would have turned to references such as Leskovec that describe [LSH implementation] details." Pet. 15–16 (citing EX1004, [0078]); EX1003, ¶¶98–115. Accordingly, the Petition is not confined to Starner but also relies on Leskovec, whose hash-distance teachings Patent Owner does not refute. Pet. 28–30.

Rather than confronting this combination, Patent Owner "substitute[s]" subjective "[a]ttorney argument" in place of objective "evidence" to fill in Starner's missing LSH details. *Enzo Biochem v. Gen-Probe, Inc.*, 424 F.3d 1276, 1284 (Fed. Cir. 2005). In doing so, Patent Owner invents an impractical "exact match" requirement that Starner does not disclose. Prelim. Resp. 15. Starner simply says there is a "match" between two LSH-derived digital signatures (EX1004, [0092]), and Leskovec explains that one determines such a match based on the hash distance between those signatures (EX1007, 85–89), just as Element [1.5] requires.

Patent Owner also missteps by alleging a lack of motivation and that Leskovec is "entirely unrelated to authentication and security." Prelim. Resp. 6, 15–16. The record says otherwise. Pet. 15–19; EX1007, 107–09 (LSH for fingerprint matching).

Respectfully submitted,

Dated July 8, 2026

/Kenneth Wayne Darby Jr./

Kenneth W. Darby, Jr., Reg. No. 65,068
Nicholas Stephens, Reg. No. 74,320
Ryan Chowdhury, Reg. No. 74,466
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on July 8, 2026, a complete and entire copy of this Petitioner's Reply to Patent Owner's Preliminary Response to the Petition was provided by email to the Patent Owner by serving the correspondence email addresses of record as follows:

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
Joshua L. Goldberg, Joshua.goldberg@finnegan.com
James G. Bell, james.bell@finnegan.com

Attorneys for Patent Owner

/Esther Goldschlager/
Esther Goldschlager
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
goldschlager@fr.com