

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OKTA, INC.,
Petitioner,

v.

THALES DIS FRANCE SAS,
Patent Owner.

Case IPR2026-00278

Patent No. 11,387,982

**SUR-REPLY TO PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE**

I. Patent Owner’s reference to the claim language of [1.6.2] itself was not a construction, much less one that excluded preferred embodiments.

Petitioner’s argument begins from a false premise. Pointing to page 12 of the preliminary response, Petitioner implies that Patent Owner argued [1.6.2] requires “a raw, unprocessed image captured as a fixed-length bit string,” but Patent Owner said no such thing. Patent Owner made no implicit construction that would narrow [1.6.2] to exclude any embodiment, much less a preferred embodiment. To the contrary, Patent Owner explained the deficiencies of the petition and Starner, and simply said what the claim recites: “As recited in claim 1 at limitation [1.6.2], the claimed ‘context data element’ itself is ‘a captured image represented as a string of bits with a fixed length.’” POPR at 12.

That statement is not a narrowing construction; it is the claim language, and it is fully consistent with the specification. The specification discloses that the phone collects the user face image and TV image as context data elements, and that “[e]ach context data element is preferably a string of bits (or units of information) with an individual fixed length.” Ex. 1001 at 12:6-10, 6:51-52. Thus, the claim language and preferred embodiments correspond: the claimed context data element is the captured image represented as a fixed-length string of bits.

Petitioner’s contrary argument improperly treats Patent Owner’s reliance on the claim language as though it were a disclaimer. It is not. Patent Owner does not contend that all processing is excluded, only that Starner’s relied-upon disclosure

does not identify a captured image represented as a fixed-length bit string. At most, Petitioner points to a digital template where extracted patterns associated with an image are stored. But patterns identified in an image are not a captured image.

II. Neither the Petition nor Petitioner’s Reply Show limitation [1.6.2].

The Petition failed to map limitation [1.6.2] in the first instance, asserting only that “SLC renders [1.6.2] obvious for the reasons addressed above with respect to [1.1].” Pet. 32. Petitioner’s Reply does not cure that deficiency; it advances a new mapping that is both procedurally improper and substantively wrong.

The new mapping fails because Petitioner conflates distinct Starner disclosures. Petitioner relies on “stored eye-scan data” while omitting the critical qualifier “stored” when convenient. Starner equates the *stored* eye-scan data with the digital template itself, not one component within a broader template. Ex. 1004 at [0089]. Petitioner cannot relabel the same disclosure differently to satisfy separate claim elements.

Indeed, that flaw is fatal. Petitioner maps Starner’s digital template to the claimed data packet, yet also relies on the same stored eye-scan data/digital template as the distinct claimed “context data element.” The claim separately recites those elements, and the same Starner structure cannot satisfy both.

Nor does the 1024-byte record or Petitioner's reference to extracted patterns remedy the problem. Starner does not disclose that the record contains a captured image represented as a fixed-length string of bits. Petitioner improperly stitches together distinct concepts of eye-scan data, stored eye-scan data, digital templates, patterns, and grayscale/color information.

III. Leskovec does not cure Starner's failure to teach limitation 1.5.

Petitioner also fails to cure the Petition's deficiency for limitation 1.5. Petitioner identifies no Starner disclosure tying the LSH-generated digital signature to that template, and cannot assume the properties of one apply to the other.

Starner already describes matching methods, and Petitioner does not show that they use a hash distance. The theory is hindsight: because the claim recites a hash distance, Petitioner appends a hash-distance reference to Starner. Leskovec is irrelevant. Indeed, the fingerprint matching discussion of Leskovec relied upon by Petitioner explicitly discards the MinHash function mentioned by Starner, in favor of an *ad hoc* LSH function for identifying minutia *within* squares of a fingerprint image. Ex. 1007 at 107-08. This is for matching fingerprints found on a gun with those in a database to solve many-to-one and many-to-many problems, which is hardly sufficient for authentication purposes. Petitioner does not supply the missing Starner disclosure or provide a reasoned basis to modify Starner in the specific manner required by the claim.

Dated: July 13, 2026

By: / Joshua L. Goldberg /
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Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **SUR-REPLY TO PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE** was served electronically via email on July 13, 2026, in its entirety on the following:

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Petitioner has consented to service by electronic mail.

Dated: July 13, 2026

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