

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIFTH THIRD BANK, N.A.

Petitioner,

v.

UNITED SERVICES AUTOMOBILE ASSOCIATION,

Patent Owner.

Case No. IPR2026-00450

U.S. Patent No. 12,505,414

PATENT OWNER REQUEST FOR DISCRETIONARY DENIAL

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12 C.F.R. § 229.51 4

PATENT OWNER'S EXHIBIT LIST

EXHIBIT LIST	
2001	Docket Report for <i>United Services Auto Ass'n v. Fifth Third Bank, N.A.</i> , No. 2:26-cv-00595-JRG (E.D. Tex.) (July 21, 2026)
2002	U.S. Pat. Pub. No. 2006/0249567 (Byrne)
2003	Complaint in <i>United Services Auto Ass'n v. Fifth Third Bank, N.A.</i> , No. 2:26-cv-00595-JRG (E.D. Tex.) (Dkt. 1) (July 21, 2026)
2004	Second Amended Complaint in <i>United Services Auto Ass'n v. Regions Bank</i> , No. 2:25-cv-00082-JRG (E.D. Tex.) (Dkt. 41) (June 23, 2025)
2005	U.S. Pat. No. 10,504,185 (Buentello)
2006	White Paper: <i>Check 21 – Controlling Image Quality at the Point of Capture</i> (Harvey Spencer, 2004)
2007	<i>Image Quality and Usability Assurance- Phase I</i> (Jaffe, <i>et al.</i> , 2004)
2008	Reserved
2009	<i>Bank Will Allow Customers to Deposit Checks by iPhone</i> (New York Times, Aug. 9, 2009)
2010	Trial Transcript, <i>USAA v Wells Fargo Bank, N.A.</i> , Case No. 2:18-cv-00245, (E.D. Tex., Oct. 30, 2019) (excerpts)
2011	National Judicial Caseload Profile (June 30, 2026)
2012	LegalMetric Report EDTX 2019-2024

I. INTRODUCTION

Patent Owner United Services Automobile Association (“USAA”) respectfully requests that the Director exercise discretion to deny institution of Fifth Third Bank, N.A.’s (“Fifth Third”) Petition for *inter partes* review of U.S. Pat. No. 12,505,414 (“the ’414 Patent”).

The Petition should be denied pursuant to *Fintiv* because Petitioner’s weak *Sotera* stipulation means that instituting the IPR will result in a duplicative proceeding with the district court trial where Petitioner will be able to present overlapping invalidity theories. For example, Petitioner’s weak *Sotera* stipulation would permit Petitioner to submit system art combined with references from the IPR to the district court. Thus, the IPR will not function as an alternative to the district court action, as envisioned by the drafters of the AIA.

Next, the Petition should be denied pursuant to Section 325(d) because the Petition presents prior art that is the same or substantially the same what the Examiner considered during prosecution of the ’414 Patent. Grounds 4-6 are based on the Goyal reference, which is the ***exact same reference*** considered by the Examiner and which is listed on the face of the ’414 Patent. Second, Grounds 1-3 are based on the Harrison reference, which is cited for its alleged teaching of a downloaded application on a mobile device providing APIs to control a camera, which is the ***exact same teaching*** allegedly found in the Meier reference

(according to Petitioner's earlier petitions), and which was considered by the Examiner during prosecution of the '414 Patent. Third, the Harrison reference of Grounds 1-3 is cumulative of the Byrne reference, which was considered by the Examiner and which is listed on the face of the '414 Patent. The Byrne reference has the same teaching that Harrison allegedly provides, which is a downloaded application on a mobile device providing APIs to control a camera device.

The Petition should also be denied because Patent Owner USAA has settled expectations arising from the significant investment it has made in developing the invention, practicing the invention, licensing the invention, and policing the patented invention. Those settled expectations are accorded even greater weight resulting from USAA's domestic manufacturing activity in developing and practicing the claimed invention in the United States.

II. THE INVENTION OF THE '414 PATENT: MOBILE REMOTE DEPOSIT WITH AUTO-CAPTURE

Research and Development Leading to the Invention

USAA has been proudly serving members of the military across the globe since 1922. Ex. 2003, ¶¶ 13-16; Ex. 2004, ¶¶ 8-11. In serving the military community, USAA has worked to innovate to serve the needs of its members, who may not be able to get to a bank branch, particularly if they are out to sea or

deployed outside the country. USAA employs more than 38,000 people focusing on helping over 14 million members of these military families achieve financial security. Ex. 2003, ¶¶ 13-16; Ex. 2004, ¶¶ 8-11.

In about 2004, USAA invested substantial research and development resources into developing systems and methods that would provide USAA's members with a real-time capability to deposit a financial instrument from nearly anywhere. Ex. 2003, ¶ 16; Ex. 2004, ¶ 11. This effort resulted in a prototype in 2005 and the launch in 2006 of a system known as Deposit@Home®, which allowed for the remote deposit of checks from a member's home. Ex. 2003, ¶ 16; Ex. 2004, ¶ 11.

In 2009, USAA continued its innovation with the development and launch of the Deposit@Mobile® application, which allowed for the remote deposit of checks using a mobile phone. USAA's inventors further innovated Deposit@Mobile® to provide for the automatic capture ("auto-capture") of check images based on real-time analysis of monitoring criteria to ensure a high quality check image is captured. This further innovation resulted in a significant reduction in the percentage of rejected check deposits. Ex. 2003, ¶ 16; Ex. 2004, ¶ 11. See Ex. 2010, 97:2-10 (pdf page 9).

The '414 Patent emerged from the technical innovation USAA achieved with its revolutionary Deposit@Mobile® product. Today, millions of customers use the patented invention worldwide on devices such as iPhones, iPads, and Android-based mobile devices.

The Technological Challenge Addressed by the Invention

Prior to USAA's invention, it was known that in theory a check image could be captured by a mobile device and sent to a bank for deposit. '414 Patent, 1:27-34. The problem was that humans could not reliably take pictures of sufficient quality for automated processing by the back-end banking system. '414 Patent, 1:34-39. The need for reliable "detection and extraction of [] information" from a check image captured by a user (*id.*) became an even bigger technical challenge with the passage of the Check 21 Act that set standards requiring that a substitute check image "accurately represent[] all of the information on the front and back of the original check." 12 U.S.C. § 5003(2)(A); 12 C.F.R. § 229.51(a)(1).

The significance of this technological challenge is underscored by articles published by others in the field before USAA developed the invention. For example, the Financial Services Technology Consortium ("FSTC"), a prominent industry consortium made up of leading financial institutions and technology companies, published a report entitled "*Image Quality and Usability Assurance*"

that identified sixteen different types of defects in check images that could lead to deposit failures when processed by a back-end banking system. Ex. 2007, 11.

As explained in the '414 Patent, the problem was that human users of mobile devices could not reliably and consistently take pictures of checks of sufficient quality for successful processing by the back-end banking system. '414 Patent, 1:34-39. This problem was also illustrated in the white paper "*Check 21: Controlling Image Quality at the Point of Capture*" by Harvey Spencer, a recognized expert in check image processing, which indicated that the human eye did not have the ability to distinguish between a check image that would meet digital processing criteria in the back-end banking system and one that would not. Ex. 2006, 4 (Fig. 3); Ex. 2007, 6 (Fig. 2).

The '414 Patent provided a solution to this problem. At the time, other financial institutions were initially skeptical, and industry observers predicted that "many banks might pass on the idea." Ex. 2003 (Complaint in *USAA v. Fifth Third Bank*, 9-10 (¶¶ 29)); Ex. 2004 (Complaint in *USAA v. Regions Bank*, 7 (¶ 22)). However, USAA's Deposit@Mobile® product successfully implemented the invention and went on to receive widespread industry recognition and praise. Ex. 2003, 7-8 (¶¶ 29-31); Ex. 2004, 7-8 (¶¶ 22-24).

The feature in the '414 Patent that a video frame of a check must meet specified quality parameters (monitoring criteria) before it is automatically captured leads to a significant reduction in the number of failed check deposits—as much as 50% or more.¹ This significant technological improvement² benefits both customers and the banking systems involved in remote check deposit processing, including the payee's bank, intermediary banks, the Federal Reserve bank, and the payor's bank.

III. THE DIRECTOR SHOULD DENY INSTITUTION PURSUANT TO *FINTIV*.

Patent Owner filed suit for patent infringement of the '414 Patent and other patents on July 21, 2026, in *United States Automotive Association v. Fifth Third*

¹ For example, the check deposit failure rate for USAA in November 2014 was reduced by more than 50% when the invention was implemented. See Ex. 2010 (Trial Transcript, inventor Michael Bueche, Jr.), 97:2-10 (pdf page 9).

² Throughout its Petition, Fifth Third refers to various prior IPR decisions involving different patents with different inventors, different families, different claims, and different grounds. Those decisions have no bearing on the grounds presented in this Petition against the '414 Patent.

Bankcorp, et al., Case No. 2:26-cv-00595-JRG (E.D. Tex.) (the “EDTX Litigation”).

Petitioner now seeks to pursue a parallel proceeding through this Petition, which was accorded a filing date of August 14, 2026. The projected due date for a Final Written Decision (“FWD”) in this IPR would be February 14, 2028.

In evaluating whether it is efficient and an appropriate use of Office resources to litigate validity in an IPR in addition to district court, the Director considers various factors. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential). In this case, the *Fintiv* factors strongly weigh in favor of discretionary denial.

Fintiv Factor 2 and Factor 4 considered together weigh in favor of discretionary denial. Applying the median time-to-trial statistic from the National Judicial Caseload Profile (see Ex. 2011, 35), the projected trial date for the EDTX Litigation would be late July 2028. During the recent scheduling conference held on September 30, 2026, Judge Gilstrap assigned the EDTX Litigation a trial date of October 2, 2028.

However, Factor 2 is more than offset by Factor 4’s consideration of the potential overlap between the proceedings. Specifically, Fifth Third’s *Notice of Sotera Stipulation* (Paper 5) filed on August 17, 2026 (“*Sotera Stipulation*”) only

promises that Petitioner will not raise in district court “(1) the specific grounds asserted in the Petition [], or (2) any other ground that could reasonably have been raised before the Board” that is based on “prior art patents or printed publications.”

The Director has repeatedly explained that this kind of standard *Sotera* stipulation that does not preclude the submission of overlapping and duplicative system art in district court is to be given little weight and in most cases should lead to denial of institution. *Cisco Systems, Inc. v. Wsou Investments LLC*, IPR2025-00188, Paper 14, at 2-4 (Director Aug. 22, 2025) (vacating institution because “Petitioner’s *Sotera* stipulation ... does not relinquish any rights or opportunities to challenge the [] claims on any other ground” including “combinations of the prior art asserted in this proceeding with unpublished system prior art.”); *Motorola Solutions, Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19, at 3 (Director Mar. 28, 2025).

Indeed, this standard *Sotera* stipulation does not preclude Petitioner from reusing the same prior art with minor modifications, such as by adding in system art or recharacterizing IPR references as system art and invoking the *Ingenico* rule. *See Ingenico Inc. v. IOENGINE, LLC*, 136 F.4th 1354, 1365 (Fed. Cir. 2025). As the Director stated in *Cisco*, Petitioner Fifth Third’s stipulation “does not ensure that this proceeding would be a true alternative to the district court proceeding.”

Cisco Systems, IPR2025-00188, Paper 14, at 3.

Petitioner could have stipulated that it would not present overlapping or cumulative invalidity theories in district court—but Fifth Third chose not to. Petitioner’s narrow stipulation demonstrates that it seeks IPR not as an alternative to district court litigation, but “to gain a litigation advantage” by preserving a second opportunity to litigate substantially overlapping invalidity issues—an approach inconsistent with the AIA’s purpose of providing an efficient substitute for duplicative litigation. *Magnolia Medical Technologies, Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17 at 3-4 (Director May 14, 2026) (precedential).

Fintiv Factor 1, which considers whether a stay exists or is likely to be granted if an IPR is instituted, also weighs heavily in favor of denial. Petitioner has not filed a motion to stay based on the IPR petitions it has filed. Even if an IPR was instituted, this district court judge is unlikely to stay the case. Ex. 2012 (LegalMetric report), 3 (15% win rate on contested motions to stay pending IPRs), 85 (8% win rate on contested motion to stay before Judge Gilstrap).

Fintiv Factor 6 also strongly weighs in favor of discretionary denial. As discussed in Section IV below, the Petition is a thinly disguised effort to have the Office reconsider prior art that the Examiner already considered during examination and where there is no showing that the Examiner committed any error.

The grounds challenging the independent claims (Grounds 1 and 4) involve a core set of references—Garcia, Luo, and Cohen—all of which were considered during examination. In Ground 4 attacking all Claims 1-12, Petitioner adds Goyal to Garcia/Luo/Cohen. However, Goyal itself was considered during prosecution by the Examiner. As for Ground 1, Petitioner swaps Harrison for Goyal to give the appearance that there is something new in the combination. But Harrison is substantially the same as Goyal—which was considered during prosecution—and it is also substantially the same as two other references, Meier and Byrne, that were considered during prosecution. Petitioner’s attempt to manufacture a basis to challenge the ’414 Patent based on identical and duplicative prior art weighs against institution.

Accordingly, *Fintiv* favors discretionary denial of the Petition.

IV. THE DIRECTOR SHOULD DENY INSTITUTION PURSUANT TO SECTION 325(D).

A. The Grounds Rely on the Same or Substantially the Same Prior Art Because Goyal Was Already Considered by the Examiner and Harrison is Cumulative of Goyal.

Grounds 1 and 4 challenge all Claims 1-12, including the independent claims. Pet., 8-9. Ground 4 is based on the combination of Garcia (Ex. 1003), Luo (Ex. 1004), Cohen (Ex. 1006), and Goyal (Ex. 1008). Ground 1 is based on the combination of Garcia, Luo, Cohen, and Harrison (Ex. 1005).

Starting with Ground 4, Petitioner admits that *every single reference*—Garcia, Luo, Cohen, and Goyal—was considered by the Examiner during examination. Pet., 6-7. See '414 Patent, References Cited, 10 (Garcia), 9 (Luo), 8 (Cohen), 22 (Goyal). The consideration by the Examiner of each of the exact same references of the ground meets the first prong of the *Advanced Bionics* framework, which, in the second prong, shifts the burden to Petitioner to establish that the Examiner made a material error. *Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13, at 3-4 (Director Review: May 19, 2025) (precedential); *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6, at 7 (PTAB Feb. 13, 2020) (precedential).

The other ground challenging all Claims 1-12 claims is Ground 1, which relies on the same core combination of Garcia/Luo/Cohen but substitutes Harrison in place of Goyal. However, Harrison is cumulative of Goyal, which was considered by the Examiner.

In particular, Harrison is cited for its alleged teaching of a downloaded application on a mobile device providing APIs to control a camera. Pet., 24-25, 43-44. Likewise, Petitioner alleges that Goyal teaches a downloaded application on a mobile device providing APIs to control a camera. Pet., 26-27, 73-74, 78-79. Therefore, Harrison is relied on for the same teaching as Goyal. Because Harrison

is cumulative of Goyal, and Goyal was considered by the Examiner during prosecution, the burden shifts to Petitioner under *Advanced Bionics* to establish that the Examiner made a material error. *Ecto World*, IPR2024-01280, Paper 13, at 3–4; *Advanced Bionics*, IPR2019-01469, Paper 6, at 7.

Turning to the second prong of *Advanced Bionics*, the Petitioner has not established that the Examiner committed material error during the prosecution of the '414 Patent. The Petition's generic assertion that "the Examiner materially erred" (Pet., 2) does not remotely establish material error. Petitioner has failed to provide an analysis of how the Examiner erred. *Ecto World*, IPR2024-01280, Paper 13, at 5-6. Merely disagreeing with the Examiner's decision to allow the claims without identifying a specific, material error is insufficient. *Fitesa Simpsonville, Inc. v. Procter & Gamble Co.*, IPR2023-01451, Paper 11, at 21-22 (PTAB Mar. 20, 2024); *Google LLC v. Valtrus Innovations Ltd.*, IPR2022-01197, Paper 18, at 20 (PTAB June 13, 2023).

Accordingly, the Director should deny the petition under Section 325(d).

B. Harrison is Also Cumulative of Meier, Which Was Considered During Prosecution.

Ground 1 challenging all Claims 1-12 relies on the core Garcia/Luo/Cohen combination found in Ground 4, adding in the allegedly new reference of Harrison.

But Harrison is also cumulative of Meier (Ex. 1081), which was considered by the Examiner. '414 Patent, References Cited, 22 (Meier, *Professional Android™ Application Development*).

In related proceedings IPR2026-00277 and IPR2026-00279, Petitioner alleges that Meier teaches a downloaded application on a mobile device providing APIs to control a camera. Pet., IPR2026-00277, Paper 2, at 21 (“Meier is a guide for developing mobile applications” that are “downloaded” to mobile devices that “provide ‘APIs’ that allow applications to access mobile device hardware, like the camera.”), 27-28, 38-39) (filed Feb. 27, 2026); Pet., IPR2026-00279, Paper 2, at 21-22, (“Meier is a guide for developing mobile applications” that are “downloaded” to mobile devices that “provide ‘APIs’ that allow applications to access mobile device hardware, like the camera.”), 29-30, 41-42 (filed Feb. 27, 2026). Indeed, in this IPR2026-00450, Petitioner again alleges that Meier teaches downloaded application on mobile devices providing APIs that control a camera. Pet., 13 (Meier teaches “downloadable mobile applications” on mobile devices “with APIs [to] access device features like the camera ... to make the camera operate”), 33.

The Petitioner’s own words thus establish that Harrison is cumulative of Meier. Petitioner applies Harrison for its alleged teaching (downloading an

application on a mobile device providing APIs to control a camera; see Pet., 24-25, 43-44), which is the same teaching of the Meier reference according to Petitioner.

Patent Owner has thus established the first prong of *Advanced Bionics*.

Petitioner must establish that the Examiner committed a material error but has failed to do so. See Section IV.A, *supra*.

The Director should deny this Petition under Section 325(d) for this separate reason.

C. Harrison is Also Cumulative of Byrne, Also Considered During Prosecution.

The Section 325(d) inquiry is holistic and is decided by the Director by considering all relevant facts and evidence. *TankLogix, LLC v. SitePro, Inc.*, IPR2025-00761, Paper 10, at 2-3 (Director Sept. 3, 2025). In that light, the case for denial is particularly compelling because Harrison is cumulative of yet another reference of record in addition to the Goyal (see Section IV.A above) and the Meier (see Section IV.B above) references that were considered by the Examiner during prosecution.

Byrne, U.S. Pat. Pub. No. 2006/0249567, entitled “Method and Apparatus For Accepting Check Deposits Via the Internet Using Browser-Based Technology” (Ex. 2002) was of record and was considered by the Examiner during prosecution

of the '414 Patent. '414 Patent, References Cited, 8. Byrne describes the download of an application enabling the capture of a check image for processing by a bank including the use of APIs to control a scanner. Byrne, Figs. 1, 4, 6, [0041]-[0045], [0048].

Harrison is thus cumulative of Byrne. Indeed, Petitioner itself admits that Byrne is “similar to Harrison.” Pet., 36. This is because the Petition refers to “the combination of Garcia with **another prior art disclosure [Byrne]** regarding downloaded applications **similar to Harrison.**” *Id.* (citing Ex. 1010, FWD in IPR2022-00076) (emph. added).³ The referenced prior art disclosure is Byrne. See Ex. 1010, FWD in IPR2022-00076, 4, 15-17 (addressing Byrne).

Because Harrison is cumulative of Byrne and the remaining references (Garcia, Luo, and Cohen) of Ground 1 were considered by the Examiner, the Petition should be denied pursuant to Section 325(d).

³ Patent Owner notes that referenced IPR2022-00076 involved a different patent from a different family having different claims and presenting different grounds.

D. Petitioner Does Not Demonstrate That Institution Would Be An Appropriate Use of Board Resources.

In the context of Section 325(d), Petitioner must show that institution would be an appropriate use of Board resources by demonstrating that the Examiner made a material error. *Advanced Bionics*, IPR2019-01469, Paper 6, at 10.

Even outside of the context of Section 325(d), Petitioner must establish that conducting a trial is an appropriate use of Office resources. *See, e.g., Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21, at 3 (Director June 18, 2025) (informative), (“Petitioner does not provide any persuasive reasoning why an *inter partes* review is an appropriate use of Office resources”); *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, Paper 9, at 3 (Director July 24, 2025) (informative) (“Petitioner does not provide any persuasive reasoning why an *inter partes* review is an appropriate use of Board resources”). In this case, Petitioner does not establish that conducting an IPR trial is an appropriate use of Board’s limited resources.

V. USAA’s SIGNIFICANT INVESTMENT IN THE INVENTION AND DOMESTIC MANUFACTURE WEIGH IN FAVOR OF DENIAL.

Settled expectations can be established by Patent Owner’s significant investment in the invention and efforts involving commercialization, marking, licensing, and enforcement. *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-

00601, Paper 9 (Director July 24, 2025) (informative) (recognizing that “an extraordinary amount of investment, time, and resources dedicated to research, development, trials, and regulatory approval” may support settled expectations, even for a recently issued patent); *Alliance Laundry Systems, LLC v. PayRange LLC*, IPR2025-00950, Paper 11 (Director Sept. 19, 2025) (denying institution where, despite the patent’s relatively recent issuance, evidence that patent owner had licensed the challenged patent created settled expectations); *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12 (Director June 26, 2025) (settled expectations where a patent has been “commercialized, asserted, marked, licensed, or otherwise applied” in petitioner’s technology space).

This is the quintessential case for settled expectations based on USAA’s significant investment in developing and practicing the invention, coupled with licensing and other activity policing the patented technology. USAA has invested many millions of dollars and thousands of employee-hours in the development and implementation of its remote mobile deposit auto-capture technology. See Ex.

2004, ¶ 12. USAA has been practicing the patented technology of the family of the '414 Patent for many years since the first application was filed in August 2009.⁴

USAA has also enforced patents in this family against multiple banks and has licensed numerous other banks. Ex. 2004, ¶¶ 8, 11, 16-18, 22-24, 33, 36 (Wells Fargo), 37 (PNC Bank), 38 (Truist Bank), 43 (license to Discover), 44 (license to Esquire Bank), 45 (license to First Citizens Bank), 47 (marking).

Patent Owner's settled expectations are bolstered by USAA's domestic manufacturing activity for systems and processes covered by the '414 Patent. John A. Squires, *Additional Discretionary Institution Considerations—U.S. Manufacturing and Small Business Use of AIA Proceedings* (Mar. 11, 2026). The Deposit@Mobile® invention was developed in USAA's facilities in the United States. Improvements to Deposit@Mobile®, which is embedded in the USAA Mobile application, are developed in the United States. The patented technology is provided to Apple's App Store and Google's Play Store, which allow domestic

⁴ The original application of the '414 Patent family was App. No. 12/545,127 filed on August 21, 2009. USAA publicly launched the Deposit@Mobile® product in 2009. Ex. 2009 (New York Times, *Bank Will Allow Customers to Deposit Checks by iPhone*; Aug. 9, 2009).

banking customers to download the app to their devices and practice the invention in the United States.

Accordingly, USAA's activity in the United States developing the invention, commercializing the invention, and distributing software embodying the invention strongly weighs in favor of discretionary denial.

VI. CONCLUSION

For the foregoing reasons, the Director should deny institution.

Dated: October 14, 2026

Respectfully submitted,

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VII. CLAIMS APPENDIX⁵

1[pre] 1. A method enabling mobile check deposit auto-capture functionality via video frame processing, the method comprising:

1[a] providing an app for download to a mobile device of a user, the user's mobile device including a camera and a memory storing a software abstraction layer for controlling the camera, the app associated with a bank to control check deposit by controlling the camera through the software abstraction layer, wherein the app, when downloaded to the user's mobile device and executed by the user's mobile device, is configured to cause the user's mobile device to perform operations comprising:

1[b] providing instructions to the user for capturing an image of a check;

1[c] generating a live video of the check in a field of view of the camera, the downloaded app causing the live video to be generated by controlling the camera through the software abstraction layer;

⁵ The claim limitations are numbered as they were in the Petition filed in IPR2026-00450.

1[d] overlaying an alignment guide on the live video of the check in the field of view of the camera;

1[e] monitoring the live video of the check in the field of view of the camera with respect to at least one monitoring criterion;

1[f] determining that a video frame of the live video of the check satisfies the at least one monitoring criterion and then automatically capturing the video frame;

1[g] when the video frame of the live video of the check in the field of view of the camera is determined to satisfy the at least one monitoring criterion, providing feedback advising the user that the check has been captured;

1[h] using a wireless network, [1] transmitting a digital image of the check from the user's mobile device and [2] submitting the check for mobile check deposit in the bank after automatically capturing the video frame,

wherein the digital image is the captured video frame or is based on the captured video frame; and⁶

1[i] before the submitting, confirming that the mobile check deposit can go forward after [1] optical character recognition is performed on the check in the digital image, [2] a magnetic ink character recognition (MICR) line on the check in the digital image is recognized, and [3] an amount payable on the check in the digital image is validated;

1[j] receiving the digital image of the check transmitted by the user's mobile device;

1[k] processing the digital image of the check including [1] performing optical character recognition on the check in the digital image and [2] verifying that the digital image of the check is acceptable for mobile check deposit, wherein the app, when downloaded and executed by the user's mobile device, is configured to cause the user's mobile device to perform additional operations including [3]

⁶ The numbers in limitations 1[h], 1[i], 1[k], and 1[l] have been added by Patent Owner for ease of reference. Similar numbering has been added to the other independent claims.

receiving an indication of a result of the processing before confirming that the mobile check deposit can go forward; and

1[1] updating, by a computer, a balance of an account at a financial institution of the user to reflect an amount of funds associated with the check submitted for mobile check deposit by the user's mobile device, after [1] the submitting the check for mobile check deposit in the bank, [2] the confirming that the mobile check deposit can go forward, and [3] the verifying that the digital image of the check is acceptable for mobile check deposit.

2. The method of claim 1, wherein the digital image is a modified version of the captured video frame.

3. The method of claim 1, wherein the wireless network is a cellular network.

4[pre] 4. A method enabling mobile check deposit auto-capture functionality via video frame processing, the method comprising:

4[a] monitoring a live video of a check in a field of view of a camera with respect to at least one monitoring criterion, wherein the live video is generated by a mobile device of a user, the user's mobile device including the camera and a downloaded app, the downloaded app associated with a bank to control check deposit by controlling the camera, the downloaded app, when executed by the

user's mobile device, being configured to cause the user's mobile device to perform operations comprising:

4[b] providing instructions to the user for capturing an image of the check;

4[c] generating the live video of the check in the field of view of the camera, the downloaded app causing the live video to be generated by controlling the camera;

4[d] overlaying an alignment guide on the live video of the check in the field of view of the camera; and

4[e] using a wireless network, submitting the check for mobile check deposit in the bank after a frame of the live video of the check in the field of view of the camera is automatically captured;

4[f] determining that a video frame of the live video of the check satisfies the at least one monitoring criterion and then automatically capturing the video frame;

4[g] when the video frame of the live video of the check in the field of view of the camera is determined to satisfy the at least one monitoring criterion, providing feedback advising the user that the check has been captured;

4[h] processing a digital image of the check including [1] performing optical character recognition and [2] verifying that the digital image of the check is acceptable for mobile check deposit, the digital image of the check being the captured video frame or being based on the captured video frame;

4[i] confirming that the mobile check deposit can go forward after [1] optical character recognition is performed on the check in the digital image, [2] a magnetic ink character recognition (MICR) line on the check in the digital image is recognized, and [3] an amount payable on the check in the digital image is validated;

4[j] updating, by a bank computer, a balance of an account at a financial institution of the user to reflect an amount of funds associated with the check submitted for mobile check deposit by the user's mobile device, after [1] the check is submitted for mobile check deposit in the bank, [2] confirming that the mobile check deposit can go forward, and [3] verifying that the digital image of the check is acceptable for mobile check deposit;

5. The method of claim 4, wherein one or more of one or more computers, remote from the user's mobile device, performs the monitoring, the determining, or both the monitoring and the determining, and wherein the one or more computers include the bank computer.

6. The method of claim 5, wherein the downloaded app, when executed by the user's mobile device, is configured to cause the user's mobile device to perform additional operations comprising transmitting, using the wireless network, the live video of the check in the field of view of the camera..

7. The method of claim 4, wherein the wireless network is a cellular network..

8[pre] 8. A method enabling mobile check deposit auto-capture functionality via video frame processing, the method comprising:

8[a] providing an app for download to a mobile device of a user, the user's mobile device including a camera and a memory storing a software abstraction layer, the app associated with a bank to control check deposit by controlling the camera through the software abstraction layer, wherein the app, when downloaded to the user's mobile device and executed by the user's mobile device, is configured to cause the user's mobile device to perform operations comprising:

8[b] providing instructions to the user for capturing an image of the check;

8[c] generating a live video of the check in a field of view of the camera, the downloaded app causing the live video to be generated by controlling the camera through the software abstraction layer;

8[d] monitoring the live video of the check in the field of view of the

camera with respect to at least one monitoring criterion

8[e] determining that a video frame of the live video of the check satisfies the at least one monitoring criterion and the automatically capturing the video frame;

8[f] when the video frame of the live video of the check in the field of view of the camera is determined to satisfy the at least one monitoring criterion, providing feedback advising the user that the check has been captured;

8[g] using a wireless network, [1] transmitting a digital image of the check from the user's mobile device and [2] submitting the check for mobile check deposit in the bank after automatically capturing the video frame, wherein the digital image is the captured video frame or is based on the captured video frame; and

8[h] before the submitting, confirming that the mobile check deposit can go forward after [1] optical character recognition is performed on the check, [2] a magnetic ink character recognition (MICR) line on the check is recognized, and [3] an amount payable on the check is validated;

and

8[i] updating, by a computer, a balance of an account at a financial institution of the user to reflect an amount of funds associated with the check submitted for mobile check deposit by the user's mobile device, after [1] the submitting the check for mobile check deposit and [2] the confirming that the mobile check deposit can go forward.

9. The method of claim 8, wherein the digital image is a modified version of the captured video frame.

10. The method of claim 8, wherein the wireless network is a cellular network.

11[pre] 11. A method enabling mobile check deposit auto-capture functionality via video frame processing, the method comprising:

11[a] receiving an image of a check, wherein the image of the check is provided for mobile check deposit in a bank by a mobile device of a user, the user's mobile device including a camera and a memory storing a software abstraction layer and a downloaded app, the downloaded app associated with the bank to control check deposit by controlling the camera through the software abstraction layer, and the downloaded app, when executed by the user's mobile device, being configured to cause the user's mobile device to perform operations comprising:

11[b] providing instructions to the user for capturing the check;

11[c] generating a live video of the check in a field of view of the camera, the downloaded app causing the live video to be generated by controlling the camera through the software abstraction layer;

11[d] monitoring the live video of the check in the field of view of the camera with respect to at least one monitoring criterion;

11[e] determining that a video frame of the live video of the check satisfies the at least one monitoring criterion and then automatically capturing the video frame;

11[f] when the video frame of the live video of the check in the field of view of the camera is determined to satisfy the at least one monitoring criterion, providing feedback advising the user that the check has been captured;

11[g] using a wireless network, [1] transmitting a digital image of the check from the user's mobile device and [2] submitting the check for mobile check deposit in the bank after automatically capturing the video frame, wherein the digital image is the captured video frame or is based on the captured video frame; and

11[h] before the submitting, confirming that the mobile check deposit

can go forward after [1] optical character recognition is performed on the check, [2] a magnetic ink character recognition (MICR) line on the check is recognized, and [3] an amount payable on the check is validated;

11[i] performing image processing operations on the image of the check, the image processing operations including [1] performing optical character recognition and [2] verifying that the image of the check is acceptable for mobile check deposit, wherein the image of the check is the digital image transmitted by the user's mobile device or is based on the digital image transmitted by the user's mobile device; and

11[j] updating, by a computer, a balance of an account at a financial institution of the user to reflect an amount of funds associated with the check submitted for mobile check deposit by the user's mobile device, after [1] the submitting the check for mobile check deposit in the bank, [2] the confirming that the mobile check deposit can go forward, and [3] the verifying that the image of the check is acceptable for mobile check deposit.

12. The method of claim 11, wherein the wireless network is a cellular network.

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This Patent Owner Request for Discretionary Denial consists of 19 pages, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. The Response complies with the type-volume limitation of 20 pages as set forth by the Office at www.uspto.gov/patents/ptab/interim-director-discretionary-process at Section III.C.iii. In preparing this certificate, counsel has relied on the word count of the word-processing system used to prepare the paper (Microsoft Word).

Dated: October 14, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2026, I caused a true and correct copy of the foregoing Patent Owner Request for Discretionary Denial and exhibits to be served on the following counsel for Petitioner by electronic mail to the following email addresses:

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