

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC
PATENT LITIGATION

2:22-MD-03034-TGB
Hon. Terrence G. Berg

**DECLARATION OF JOSEPH A. HERRIGES
IN SUPPORT OF DEFENDANTS' RESPONSIVE CLAIM
CONSTRUCTION BRIEF**

I, Joseph A. Herriges, declare as follows:

1. I am a principal at the law firm of Fish & Richardson P.C.
2. I am counsel for Defendants General Motors Company and General Motors LLC in this action. I am a member of the Bar of the State of Minnesota and have been admitted in this Court in this case. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
3. I submit this declaration in support of Defendants' Responsive Claim Construction Brief.
4. Attached hereto as Exhibit 1 is a true and correct copy of the declaration of Dr. Robert Akl in support of Defendants' Responsive Claim Construction Brief.
5. Attached hereto as Exhibit 2 is a true and correct copy of relevant excerpts from the prosecution history of U.S. Patent Application No. 16/544,201.
6. Attached hereto as Exhibit 3 is a true and correct copy of relevant excerpts from the prosecution history of U.S. Patent Application No. 13/246,677.
7. Attached hereto as Exhibit 4 is a true and correct copy of *Neo Wireless, LLC, v. Dell Technologies Inc. and Dell Inc.*, Case No. 6:21-cv-024 (W.D. Tex.), D.I. 44-5, Declaration of James Proctor in Support of Defendants' Opening Claim Construction Brief, dated October 28, 2021.
8. Attached hereto as Exhibit 5 is a true and correct copy of *Neo Wireless,*

LLC, v. Dell Technologies Inc. and Dell Inc., Case No. 6:21-cv-024 (W.D. Tex.), D.I. 48-1, Supplemental Declaration of James Proctor in Support of Defendants' Reply Claim Construction Brief, dated December 2, 2021.

9. Attached hereto as Exhibit 6 is a true and correct copy of R. J. Baxley and G. T. Zhou, "Power savings analysis of peak-to-average power ratio in OFDM," in *IEEE Transactions on Consumer Electronics*, vol. 50, no. 3, pp. 792-798, Aug. 2004, produced as NEO-AUTO_0002300.

10. Attached hereto as Exhibit 7 is a true and correct copy of *Dell Inc. and Dell Technologies Inc., v. Neo Wireless LLC*, IPR2022-00277 (P.T.A.B.) Petition for *Inter Partes* Review of U.S. Patent No. 10,833,908, dated December 14, 2021.

11. Attached hereto as Exhibit 8 is a true and correct copy of U.S. Patent App. Pub. No. 2004/0082356 A1 to Walton et al.

12. Attached hereto as Exhibit 9 is a true and correct copy of *Dell Inc. and Dell Technologies Inc., v. Neo Wireless LLC*, IPR2022-00277 (P.T.A.B.) Patent Owner's Preliminary Response, dated March 23, 2022.

13. Attached hereto as Exhibit 10 is a true and correct copy of *Dell Inc. and Dell Technologies Inc., v. Neo Wireless LLC*, IPR2022-00277 (P.T.A.B.) Exhibit 2001, Declaration of William P. Alberth, Jr., dated March 23, 2022.

14. Attached hereto as Exhibit 11 is a true and correct copy of *Dell Inc. and Dell Technologies Inc., v. Neo Wireless LLC*, IPR2022-00277 (P.T.A.B.) Paper 10,

Decision Denying Institution of *Inter Partes* Review, dated June 21, 2022.

15. Attached hereto as Exhibit 12 is a true and correct copy of relevant excerpts from Webster's Third New International Dictionary of the English Language, Unabridged.

16. Attached hereto as Exhibit 13 is a true and correct copy of relevant excerpts from the prosecution history of U.S. Patent Application No. 16/902,740.

17. Attached hereto as Exhibit 14 is a true and correct copy of *Dell Inc. and Dell Technologies Inc., v. Neo Wireless LLC*, IPR2021-01486 (P.T.A.B.) Patent Owner's Preliminary Response, dated December 20, 2021.

18. Attached hereto as Exhibit 15 is a true and correct copy of *Neo Wireless, LLC, v. Dell Technologies Inc. and Dell Inc.*, Case No. 6:21-cv-024 (W.D. Tex.), D.I. 56, Joint Claim Construction Statement, dated December 21, 2021.

19. Attached hereto as Exhibit 16 is a true and correct copy of *Dell Inc. and Dell Technologies Inc., v. Neo Wireless LLC*, IPR2021-01468 (P.T.A.B.) Exhibit 2015, Correspondence between counsel for Neo Wireless and Dell, dated December 9 through 14, 2021.

20. Attached hereto as Exhibit 17 is a true and correct copy of *Dell Inc. and Dell Technologies Inc., v. Neo Wireless LLC*, IPR2021-01468 (P.T.A.B.) Paper 12, Decision Denying Institution of *Inter Partes* Review, dated March 14, 2022.

21. Attached hereto as Exhibit 18 is a true and correct copy of relevant

excerpts from the prosecution history of U.S. Patent Application No. 15/082,878.

22. Attached hereto as Exhibit 19 is a true and correct copy of *Volkswagen Group of America, Inc., v. Neo Wireless LLC*, IPR2022-01537 (P.T.A.B.) Patent Owner's Preliminary Response, dated February 8, 2023.

23. Attached hereto as Exhibit 20 is a true and correct copy of relevant excerpts from the prosecution history of U.S. Patent Application No. 15/953,950.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed in Minneapolis, Minnesota on this 16th day of March, 2023.

/s/ Joseph A. Herriges

Joseph A. Herriges

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