Filed on behalf of
Petitioner Apple Inc.

By: Steve J. Baughman
       Ching-Lee Fukuda
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

SIGHTSOUND TECHNOLOGIES, LLC
Patent Owner

Case CBM2013-00020
U.S. Patent No. 5,191,573

Before the Honorable MICHAEL P. TIERNEY, JUSTIN T. ARBES, and
GEORGIANNA W. BRADEN,
Administrative Patent Judges

DECLARATION OF JEFFREY ROBBIN

MAIL STOP PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

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I, Jeffrey Robbin, declare:

1.	I am employed by Apple Inc. ("Apple") as Vice President, iTunes and Apple TV. I am over the age of 18, I have personal knowledge of the facts set forth herein, and I am competent to testify regarding these facts.

2.	In my current capacity at Apple, my responsibilities include overseeing the development of the iTunes client and setting product direction. The iTunes client is the software that runs on Microsoft Windows or (Mac) OS X computers and iOS devices that, in addition to other functions, provides users with access to the iTunes Store.

3.	I began working at Apple as an intern in 1992 and returned full time in 1993. In 1997, I left Apple and later started the company SoundStep. While at SoundStep, I, along with Bill Kincaid and David Heller, developed the software product SoundJam MP, a music player product for the Mac. SoundJam MP, among other things, allowed users to play music, transfer music from their computers to MP3 players, create playlists, and transfer music from CDs to their computers and convert to MP3 format.

4.	In September 2000, Apple acquired SoundStep, and I returned to Apple as part of the acquisition. I was employed as an engineer to continue my work on SoundJam MP, which was the predecessor product to iTunes. I was responsible, along with Mr. Kincaid and Mr. Heller, for the development of the iTunes client. iTunes commercially launched in January 2001.

5. Prior to March 2002, I became involved in developing a music purchase service for Apple, which became the iTunes Music Store, currently known as the iTunes Store.

6. I was one of the leaders of the initial development team for the iTunes Music Store. An internal demonstration version of the iTunes Music Store was available by the end of 2002. The iTunes Music Store officially launched on April 23, 2003.

7. The iTunes client and iTunes Music Store include many technological features developed by Apple. One example is the "Genius" feature, which, among other functions, implements a sophisticated algorithm to provide recommendations based on past purchases. Apple has been granted U.S. patents on many inventions relating to the iTunes Music Store, including user interface technology, playlist management, presentation of media on a device, secure access to content, and assigning ratings. For example, Apple patents for which I am one of the named inventors include U.S. Patent No. 7,853,893 relating to a graphical user interface for searching, browsing, previewing, and/or purchasing media items; U.S. Patent No. 6,728,729 relating to accessing media across networks; U.S. Patent No. 7,765,326 relating to improved interaction between a host computer and a media player; U.S. Patent No. 7,797,446 relating to automatic updating of playlists; U.S. Patent No. 7,827,259 relating to selecting and presenting media items at a media device; U.S. Patent No. 7,844,498 relating to interacting with an online media store to obtain a

media asset bundle; U.S. Patent No. 7,895,661 relating to secure access to content within media files; U.S. Patent No. 7,958,441 relating to management of playlists; and U.S. Patent No. 8,046,369 relating to assigning ratings to media assets. Apple also has been granted many other patents, for which I am not a named inventor, for innovative features of the iTunes client and iTunes Store.

8.   To my recollection, I had not heard of, nor was I aware of, any SightSound entity or any services offered by any SightSound entity before 2003. I also have no recollection of any communication from either Tom Weyer or Mark Gavini (now Marco Mazzoni) relating to SightSound or to the concept of electronic purchase of digital audio or video signals over telecommunication lines. Nor am I aware of anyone in the development team for the launch of the iTunes Music Store, including Mr. Heller, who knew anything about SightSound or its services prior to 2003, or had such communication from either Mr. Weyer or Mr. Gavini (now Mr. Mazzoni). As one of the leaders of the development team for the iTunes Music Store, if anyone had heard of SightSound or received any information about SightSound that related to the iTunes Music Store, I believe I would have been aware of it.

9.   I am informed that SightSound is alleging in this proceeding—more than 10 years after Apple developed and launched the iTunes Music Store—that Apple developed the iTunes client and iTunes Music Store by copying from SightSound. Based on my knowledge and experience as a key member of the development team for the iTunes client and the iTunes Music Store, that allegation is utterly false. Apple

developed those technologies based on the predecessor product SoundJam MP that it acquired in September 2000, and based on the significant innovative work done at Apple to make commercially viable the idea—prevalent in the industry since the mid-1980s—that it would be desirable to sell music and video files over computer networks. Apple's work on this project was both innovative and pioneering, which helps to explain why Apple became the market leader so soon after its launch of the iTunes Music Store. Based on my core involvement in this project, and my extensive, sustained interaction with all of the other team members in developing the iTunes ecosystem, Apple did not copy anything from any SightSound entity.

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

Dated: March 6, 2014

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Jeffrey Robbin