

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Hair	§	Attorney Docket No.:
United States Patent No.: 5,966,440	§	104677-5005-803
Formerly Application No.: 08/471,964	§	Customer No. 28120
Issue Date: October 12, 1999	§	
Filing Date: June 6, 1995	§	Petitioner: Apple Inc.
Former Group Art Unit: 380	§	
Former Examiner: Hoa T. Nguyen	§	

For: System and Method for Transmitting Desired Digital Video or Digital Audio Signals

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Patent Trial and Appeal Board
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**DECLARATION OF ROBERTO J. GONZALEZ IN SUPPORT OF
PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF
UNITED STATES PATENT NO. 5,966,440
PURSUANT TO 35 U.S.C. § 321, 37 C.F.R. § 42.304**

I, Roberto J. Gonzalez, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a paralegal at the law firm of Ropes & Gray LLP.
2. I provide this Declaration in connection with the above-identified

Covered Business Method Patent Review proceeding that is being requested at the United States Patent and Trademark Office by Apple, Inc. under 35 U.S.C. § 321, 37 C.F.R. § 42.304. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Exhibit 1201 hereto is a true and correct copy of United States Patent No. 5,966,440 to Arthur Hair, with its July 27, 2010 Ex Parte Reexamination Certificate, which are records of the United States Patent and Trademark Office ("the USPTO") to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

4. Exhibit 1202 hereto is a true and correct copy of the file history for United States Patent No. 5,966,440 to Arthur Hair, which was downloaded from the USPTO PAIR website and which is a record of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

5. Exhibit 1203 hereto is a true and correct copy of the reexamination file history for Application No. 90/007,407, which was downloaded from the USPTO PAIR website and which is a record of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

6. Exhibit 1204 hereto is a true and correct copy of United States Patent No. 5,191,573 to Arthur Hair, with its November 30, 2010 Ex Parte Reexamination Certificate, which are records of the USPTO to which all parties have access. Page

numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

7. Exhibit 1205 hereto is a true and correct copy of the file history for United States Patent No. 5,191,573 to Arthur Hair, which was downloaded from the USPTO PAIR website and which is a record of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

8. Exhibit 1206 hereto is a true and correct copy of the reexamination file history for Application No. 90/007,402, which was downloaded from the USPTO PAIR website and which is a record of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

9. Exhibit 1207 hereto is a true and correct copy of the file history for United States Patent No. 5,675,734 to Arthur Hair, which was downloaded from the USPTO PAIR website and which is a record of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

10. Exhibit 1208 hereto is a true and correct copy of the reexamination file history for Application No. 90/007,403, which was downloaded from the USPTO PAIR website and which is a record of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

11. Exhibit 1209 hereto is a true and correct copy of United States Patent No. 5,675,734 to Arthur Hair, with its December 14, 2010 Ex Parte Reexamination Certificate, which are records of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

12. Exhibit 1211 hereto is a true and correct copy of the World Patent Application WO85/02310, filed on November 14, 1984 by SoftNet Inc., and published on May 23, 1985, which was downloaded from the World Intellectual Property Organization's PATENTSCOPE search page to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

13. Exhibit 1212 hereto is a true and correct copy of United States Patent No. 4,506,387 to Howard F. Walter, which is a record of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document

and an exhibit label has been added to the top of this document but no other alterations have been made.

14. Exhibit 1213 hereto is a true and correct copy of United States Patent No. 4,124,773 to Robin Elkins, which is a record of the USPTO to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

15. Exhibit 1214 hereto is a true and correct copy of an Order regarding Claim Construction in *SightSound Techs., LLC v. Apple Inc.*, No. 11-01292, before the District Court of the Western District of Pennsylvania, signed by Senior Judge, Donetta W. Ambrose on February 13, 2013, which was downloaded from the Public Access to Court Electronic Records (“PACER”) website and is a record of the aforementioned District Court (Dkt. No. 175) to which all parties have access. Page numbers have been added to the bottom of this document and an exhibit label has been added to the top of this document but no other alterations have been made.

16. Exhibit 1215 hereto is a true and correct copy of Special Master’s Report and Recommendation on Claim Construction in *SightSound Techs., LLC v. Apple Inc.*, No. 11-01292, before the District Court of the Western District of Pennsylvania, signed by Claim Construction Special Master, Gregory L. Bradley and dated November 19, 2012, which was downloaded from the PACER website and is a record

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