

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Hair	§	Attorney Docket No.:
United States Patent No.: 5,966,440	§	104677-5005-804
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

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

**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 1301 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 and an exhibit label have been added to the bottom of this document but no other alterations have been made.

4. Exhibit 1302 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 and an exhibit label have been added to the bottom of this document but no other alterations have been made.

5. Exhibit 1303 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 and an exhibit label have been added to the bottom of this document but no other alterations have been made.

6. Exhibit 1304 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 and an exhibit label have been added to the bottom of this document but no other alterations have been made.

7. Exhibit 1305 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 and an exhibit label have been added to the bottom of this document but no other alterations have been made.

8. Exhibit 1306 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 and an exhibit label have been added to the bottom of this document but no other alterations have been made.

9. Exhibit 1307 hereto is a true and correct copy of the transcript of December 11, 2012 Deposition of Arthur Hair in *SightSound Techs., LLC v. Apple Inc.*, No. 11-01292, before the District Court of the Western District of Pennsylvania, which was received from the Merrill Corporation and certified by Rachel Ferrier, CSR No. 6948.

10. Exhibit 1308 hereto are a true and correct copies of the transcripts of December 18, 2012 and December 19, 2012 Deposition of Scott Sander in *SightSound Techs., LLC v. Apple Inc.*, No. 11-01292, before the District Court of the Western District of Pennsylvania, which was received from the Merrill Corporation and certified by Rachel Ferrier, CSR No. 6948.

11. Exhibit 1312 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 and an exhibit label have been added to the bottom of this document but no other alterations have been made.

12. Exhibit 1313 hereto is a true and correct copy of United States Patent No. 3,718,906 to Robert W. Lightner, which is a record of the USPTO to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

13. Exhibit 1314 hereto is a true and correct copy of United States Patent No. 3,990,710 to Robert M. Hughes, which was downloaded from the USPTO PAIR website and which is a record of the USPTO to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

14. Exhibit 1323 hereto is a true and correct copy of United States Patent No. 4,682,248 to David M. Schwartz, which is a record of the USPTO to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

15. Exhibit 1326 hereto is a true and correct copy of the Notice of Acceptance of the trademark “Synth-Bank,” registered on March 17, 1987 with Registration No. 1433349, which is a record of the USPTO to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

16. Exhibit 1336 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 of the aforementioned District Court (Dkt. No. 142) to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

17. Exhibit 1337 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.

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