

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Asghari-Kamrani, et al.
U.S. Patent No.: 8,266,432 Attorney Docket No.: 36137-0007CP2
Issue Date: September 11, 2012
Appl. Serial No.: 12/210,926
Filing Date: September 15, 2008
Title: CENTRALIZED IDENTIFICATION AND
AUTHENTICATION SYSTEM AND METHOD

DECLARATION OF SETH NIELSON

I. Introduction

1. My name is Seth James Nielson. I have previously submitted two expert declarations in this matter. The first is dated April 29th, 2016 and the second is dated August 25th, 2016.

2. In addition to the professional background sections of these two declarations, I have been appointed the Director of Advanced Research Projects at the Johns Hopkins University Information Security Institute. I am now teaching Advanced Network Security in addition to the Network Security course I have been teaching for the last few years. Moreover, in my new role, I am engaging with internal and external researchers on a range of projects relating to cryptography vulnerabilities, Internet-of-Things (IoT) forensics, and computer security in health care.

3. As stated in previous declarations, I am not currently and have not at any time in the past been an employee of United Services Automobile Association

(“USAA”). I have been engaged in the present matter to provide my independent analysis of the issues raised in the petition for post-grant review of the ‘432 patent. I received no compensation for this declaration beyond my normal hourly compensation based on my time actually spent studying the matter, and I will not receive any added compensation based on the outcome of this post-grant review of the ‘432 patent.

4. I have been asked by counsel for Petitioner to opine on certain technical issues set forth in Patent Owner’s Response in this matter, dated December 5th, 2016 as well as to the opinions set forth in the Expert Declaration of Dr. Alfred C. Weaver, also dated December 5th, 2016. In reviewing the Response and accompanying Expert Declaration, I have been asked to opine as to whether either U.S. Patent Application Serial No. 11/333,400 or U.S. Patent Application Serial No. 11/239,046 provides sufficient supporting disclosure for the claims of U.S. Patent No. 8,266,432, which claims priority thereunto.

II. Materials Considered

5. In writing this Declaration, I have considered the following: my own knowledge and experience, including my work experience in the fields of computer science and IT security and authentication; my industry experience with those subjects; and my experience in working with others involved in those fields.

I have also analyzed the following publications and materials, in addition to other materials I cite in my declaration:

- U.S. Patent No. 8,266,432 and its accompanying prosecution history (“the ‘432 Patent”, USAA-1001, USAA-1002)
- U.S. Patent No. 7,444,676 (“the ‘676 Patent”, USAA-1015)
- U.S. Patent No. 8,281,129 (“the ‘129 Patent”, Ex. 2004)
- U.S. Patent Application Serial No. 11/333,400 (“the ‘400 Application”, Ex. 2009)
- U.S. Patent Application Serial No. 11/239,046 (“the ‘046 application”, Ex. 1014)
- Patent Owner’s Preliminary Response (Paper 11)
- Patent Owner’s Response (Paper 22)
- PCT Application Publication WO2003021837 A1 (USAA-1028)
- Grandparent U.S. Patent Application Serial No. 09/940,635 (USAA-1016)

6. Although for the sake of brevity this Declaration refers to selected portions of the cited references, it should be understood that one of ordinary skill in the art would view the references cited herein in their entirety, and in combination with other references cited herein or cited within the references themselves. The

references used in this Declaration, therefore, should be viewed as being incorporated herein in their entirety.

III. Summary of Opinions

7. I am of the opinion that U.S. Patent No. 8,266,432 does not have sufficient supporting disclosure in either U.S. Patent Application Serial No. 11/333,400 or U.S. Patent Application Serial No. 11/239,046 to satisfy the requirements of 35 U.S.C. §112, first paragraph. Although my opinion relates to the lack of sufficient supporting disclosure in these two applications, for convenience I will refer to citations in the '676 patent, which issued from the '046 application, and citations in the '129 patent, which issued from the '400 application. Where there are differences between the patent and the application, I will so indicate.

8. I understand that the requirements of 35 U.S.C. 112, first paragraph, include that the specification includes the following: (A) A written description of the invention; (B) The manner and process of making and using the invention (the enablement requirement); and (C) The best mode contemplated by the inventor of carrying out his invention.

9. I also understand that the disclosure requirement of 35 U.S.C. 112, first paragraph, must be met in a single parent application in order to obtain an

earlier filing date for individual claims and requires that each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure.

10. I also understand that, to satisfy the written description requirement, the claimed invention must be described in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.

11. I further understand that, the fact that a parent application could support a narrower scope of the invention for the same claim term does not show that the parent application provides sufficient support for the claims in the continuation application.

12. I maintain the opinions I set forth previously in my two earlier declarations. Although none of those opinions have changed, I restate a subset of those opinions herein for emphasis.

- a. **4/29/2016 Declaration (¶ 64):** It is my opinion that the specification of the '676 Patent does not support any independent claim in the '432 Patent. Accordingly, by failing to provide written description support for at least one limitation in each of the independent claims of the '432 Patent, the specification of the '676 Patent lacks written description for all the claims of the '432 Patent.

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