UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

UNIVERSAL SECURE REGISTRY LLC,

Patent Owner.

Case CBM2018-00025

U.S. Patent No. 8,577,813

DECLARATION OF DR. VICTOR SHOUP IN SUPPORT OF PETITIONER'S REPLY TO PATENT OWNER RESPONSE

Apple 1128

Contents Page

I, Victor Shoup, Ph.D., declare as follows:

I. INTRODUCTION

1. I have been retained by Apple to provide opinions in this proceeding relating to U.S. Patent No. 8,577,813 ("'813 patent"). I submit this Declaration to address and respond to the arguments made in Patent Owner's Response and the declaration submitted by Dr. Jakobsson in support of the Patent Owner's Response.

2. My background and qualifications are summarized in my previous declaration (Ex-1102, Shoup-Decl.) and my curriculum vitae is attached thereto as Appendix A. Since preparing my Declaration, I have reviewed the following additional materials:

- The Board's Decision on Institution ("DI")
- USR's Patent Owner Preliminary Response ("POPR") and the exhibits cited therein
- USR's Patent Owner Response ("POR") and the exhibits cited therein
- USR's Conditional Motion to Amend ("CMTA") and the exhibits cited therein
- The transcript of Dr. Jakobsson's April 24, 2019 deposition (Ex-1127)
- Declaration of Dr. Juels (Ex-1126)

3. I am being compensated at my normal consulting rate for my work. My compensation is not dependent on the outcome of this CBM proceeding or the

related litigation, and does not affect the substance of my statements in this Declaration.

4. I have no financial interest in Petitioner. I have no financial interest in the '813 patent.

II. LEGAL PRINCIPLES

5. I am not an attorney. For purposes of this Declaration, I have been informed about certain aspects of the law that are relevant to my analysis and opinions.

A. Claim Construction

6. I have been informed that claim construction is a matter of law and that the final claim construction will be determined by the Board.

7. I have been informed that the claim terms in an CBM review should be given their broadest reasonable construction in light of the specification as commonly understood by a person of ordinary skill in the art ("POSITA"). I have applied this standard in my analysis.

B. Obviousness

8. I have been informed and understand that a patent claim can be considered to have been obvious to a POSITA at the time the application was filed. This means that, even if all the requirements of a claim are not found in a single prior art reference, the claim is not patentable if the differences between the subject

matter in the prior art and the subject matter in the claim would have been obvious to a POSITA at the time the application was filed.

9. I have been informed and understand that a determination of whether a claim would have been obvious should be based upon several factors, including, among others:

- the level of ordinary skill in the art at the time the application was filed;
- the scope and content of the prior art; and
- what differences, if any, existed between the claimed invention and the prior art.

10. I have been informed and understand that the teachings of two or more references may be combined in the same way as disclosed in the claims, if such a combination would have been obvious to a POSITA. In determining whether a combination based on either a single reference or multiple references would have been obvious, it is appropriate to consider, among other factors:

- whether the teachings of the prior art references disclose known concepts combined in familiar ways, and when combined, would yield predictable results;
- whether a POSITA could implement a predictable variation, and would see the benefit of doing so;

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.