UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTELLECTUAL VENTURES MANAGEMENT, LLC
Petitioner

v.

Patent of XILINX, INC.
Patent Owner

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Case IPR2012-00018
Patent 7,566,960
Title: INTERPOSING STRUCTURE

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Declaration of Dean Neikirk Under 37 C.F.R. § 1.68

I, Dean Neikirk, do hereby declare:

1.   I am making this declaration at the request of Xilinx, Inc. in the matter

of the *Inter Partes* Review of U.S. Patent No 7,566,960 ("the '960 Patent") to

Conn, initiated by petitioner Intellectual Ventures Management, LLC (IVM).

2. I am being compensated for my work in this matter at my customary rate. My compensation in no way depends upon the outcome of this proceeding.

3. In the preparation of this declaration, I have studied:

(1) The '960 Patent, IVM-1001;

(2) The prosecution history of the '960 Patent, XLNX-2001;

(3) U.S. Patent No. 6,730,540 ("Siniaguine"), IVM-1004;

(4) U.S. Patent No. 6,469,908 ("Patel"), IVM-1005;

(5) U.S. Patent No. 6,970,362 ("Chakravorty '362"), IVM-1007; and

(6) U.S. Patent No. 6,423,570 ("Ma"), IVM-1008.

4. In forming the opinions expressed below, I have considered:

(1) The documents listed above,

(2) The relevant legal standards, including the standard for obviousness provided in *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007) and any additional authoritative documents as cited in the body of this declaration, and

(3) My knowledge and experience based upon my work in this area as described below.

Qualifications and Professional Experience

5.   My qualifications are set forth in my curriculum vitae, a copy of which is attached as an exhibit to this declaration. As set forth in my curriculum vitae, I have over 20 years of experience in semiconductor design and manufacturing.

6.   I received a Bachelors of Science degree in physics and mathematics from Oklahoma State University in 1979, and a Master of Science and Doctor of Philosophy degrees in applied physics from the California Institute of Technology in 1981 and 1984, respectively. I have been a member of the faculty in the Department of Electrical and Computer Engineering at The University of Texas at Austin since 1984. I also developed the teaching laboratory for semiconductor device fabrication at The University of Texas at Austin and am active member of The University of Texas at Austin Microelectronics Research Center. I have conducted research and taught courses on topics including the behavior of integrated circuits, integrated circuit packaging, and printed circuit boards.

7.   In summary, I have deep familiarity with integrated circuit manufacturing, semiconductor device operation, integrated circuit packaging, printed circuit boards, and their interconnections.

8.   In my opinion, the level of ordinary skill in the art needed to have the capability of understanding the scientific and engineering principles applicable to

the '960 Patent is a B.S. degree in Electrical Engineering or equivalent training, plus 3-5 years of experience in the field of electronics packaging and interconnect design.

Relevant Legal Standards

9.   I have been asked to provide my opinions regarding whether the claims of the '960 Patent are anticipated or would have been obvious to a person having ordinary skill in the art at the time of the alleged invention, in light of the prior art. It is my understanding that, to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. Further, it is my understanding that a claimed invention is unpatentable under 35 U.S.C. § 103 if the differences between the invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. I also understand that the obviousness analysis takes into account factual inquiries including the level of ordinary skill in the art, the scope and content of the prior art, and the differences between the prior art and the claimed subject matter.

10.   It is my understanding that the Supreme Court has recognized several rationales for combining references or modifying a reference to show obviousness of claimed subject matter. Some of these rationales include the following: combining prior art elements according to known methods to yield predictable

results; simple substitution of one known element for another to obtain predictable results; use of a known technique to improve a similar device (method, or product) in the same way; applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; and some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

11.   It is my understanding that some claims can be interpreted as "means plus function" claims under 35 U.S.C. § 112, paragraph 6. I understand that determining the broadest reasonable interpretation of "means plus function" claims requires first, defining the particular function of the limitation and second, identifying the corresponding structure for that function in the specification. I also understand that structure disclosed in the specification is corresponding structure only if the specification or prosecution history clearly links or associates that structure to the function recited in the claim.

Background Of '960 Patent

12.   The '960 Patent issued on July 28, 2009, from U.S. Patent Application No. 10/698,704 ("the '704 application") filed on October 31, 2003, by Robert O. Conn.

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