

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION

Petitioner

v.

YISSUM RESEARCH DEVELOPMENT COMPANY
OF THE HEBREW UNIVERSITY OF JERUSALEM

Patent Owner

Patent No. 7,477,284

Issue Date: January 13, 2009

Title: SYSTEM AND METHOD FOR CAPTURING AND VIEWING
STEREOSCOPIC PANORAMIC IMAGES

Inter Partes Review No. IPR2013-00327

DECLARATION OF ROBERT L. GERRITY

IN OPPOSITION TO JOINDER

YRD-2001

DECLARATION OF ROBERT L. GERRITY

1. I, Robert L. Gerrity, am more than twenty-one years of age, am competent to present this declaration, and have personal knowledge of the facts set forth herein.

2. This declaration is given in support of patent owner Yissum Research Development Company of the Hebrew University of Jerusalem's ("Yissum's") Opposition To Joinder.

3. On March 29, 2012, Yissum's real party in interest HumanEyes Technology Ltd. ("HumanEyes") filed suit against Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Mobile Communications (USA) Inc., and Sony Mobile Communications AB (individually and collectively, "Sony") in the U.S. District Court for the District of Delaware, *HumanEyes Techs., LTD. v Sony Elecs, Inc., Sony Corp., Sony Corp. of America, Sony Mobile Comms, AB, Sony Mobile Comms. (USA), Inc.*, Case No. 1:12-cv-00398-GMS, alleging infringement of U.S. Patent Nos. 6,665,003 and 7,744,284 ("District Court Litigation" or "Litigation").

4. On April 19, 2013, Sony filed a Motion to Stay Litigation Pending Outcome of Inter Partes Review of the Patents-In-Suit ("Sony's Motion to Stay").

5. On May 6, 2013, HumanEyes filed its Answering Brief in Opposition to Sony's Motion to Stay ("HumanEyes Answering Brief") (Sony-1102).

6. The HumanEyes Answering Brief articulates factors that weigh heavily against a litigation stay. Among them is that Sony's petitions for inter partes review will not resolve all issues because the petitions only address 14 of the 155 claims potentially at issue in the litigation. Other factors weighing against stay pertain to the prejudice that will result to HumanEyes. As explained more fully in the Levy-Ron Declaration (YRD-2002), delay in resolving Sony's ongoing

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DECLARATION OF ROBERT L. GERRITY

infringement and use of HumanEyes' patented technology continues to harm HumanEyes' business.

7. I am counsel for HumanEyes in the Litigation and actively involved in all aspects thereof. I am familiar with the subject matter and status of issues in the Litigation.

8. As of this writing, the Court in the District Court Litigation has not ruled on Sony's Motion to Stay.

9. As of this writing, no scheduling order has been entered in the District Court Litigation.

10. As of this writing, there have been no rulings that limit the number or scope of claims that may be asserted as infringed in the Litigation pertaining to U.S. Patent Nos. 6,665,003 and 7,477,284. There has been no claim construction order in the case.

Declaration

I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed: July 11, 2013

By: 
Robert L. Gerrity

YRD-2001