

Filed on behalf of TPK Touch Solutions Inc.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WINTEK CORPORATION
Petitioner,

v.

TPK TOUCH SOLUTIONS INC.
Patent Owner

Case IPR2013-00567
Case IPR2014-00541
U.S. Patent No. 8,217,902

**DECLARATION OF JOSHUA R. SMITH IN SUPPORT OF PATENT
OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120**

TPK 2002
Wintek v. TPK Solutions

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**DECLARATION OF JOSHUA R. SMITH, PH.D
IN SUPPORT OF PATENT OWNER'S RESPONSE
PURSUANT TO 37 C.F.R. § 42.120**

I, Joshua R. Smith, declare as follows:

I. INTRODUCTION

1. I am over 18 years of age and otherwise competent to make this Declaration.

2. I have been retained as an expert witness to provide testimony on behalf of TPK Touch Solutions Inc. ("TPK") as part of the above-captioned *inter partes* review proceeding. I make this Declaration based upon facts and matters within my own knowledge or on information provided to me by others. I am being compensated for my time in connection with this proceeding at a rate of \$400 per hour.

3. I understand that the Patent Office has instituted a review of claims 1-19, 21, 22, 24-27, 29, and 31-68 of U.S. Patent No. 8,217,902 ("the '902 patent"), and that the review is based on four references. I also understand that the Patent Office has joined in this proceeding one additional ground on which it instituted trial in response to Wintek's parallel IPR2014-00541 petition. Across these two institution decisions, I understand that the following grounds are at issue:

- A. Anticipation of claims 1-3, 5-8, 10-13, 15, 24, 32, 34, 36, 37, 39, 40, 42, 43, 46-48, 50-55, 57, 58, 60-62, and 64-67 based on U.S. Patent No. 6,137,427 to Binstead (“Binstead”);
 - B. Obviousness of claims 4, 9, 14, 16, 31, 38, 41, 45, 49, 56, and 63 based on the combination of Binstead and Japanese Patent Application No. 61-84729A to Honeywell (“Honeywell”);
 - C. Obviousness of claims 33 and 59 based on the combination of Binstead and U.S. Patent Application Publication No. 2005/0030048 to Bolender (“Bolender”);
 - D. Obviousness of claims 17-19, 21, 22, 25-27, 29, 35, 44, and 68 based on the combination of Binstead and U.S. Patent No. 5,374,787 to Miller (“Miller”); and
 - E. Obviousness of claims 20, 23, 28 and 30 based on the combination of Binstead, Honeywell and Miller.
4. In addition to the present Declaration, I have prepared a separate declaration pertaining to IPR2013-00568, which involves different grounds of rejection for certain claims of the '902 patent.

II. BACKGROUND AND QUALIFICATIONS

5. I am a tenured Associate Professor, jointly appointed in the departments of Electrical Engineering, and Computer Science and Engineering, at

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