UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC., HEWLETT-PACKARD COMPANY, and NETAPP, INC. Petitioners, v. ELECTRONICS AND TELECOMMUNICATIONS RESEARCH INSTITUTE Patent Owner.	Case No. IPR2013-00635 Patent No. 6,978,346

**DECLARATION OF DR. THOMAS M. CONTE IN SUPPORT OF
PATENT OWNER'S RESPONSE
TO PETITION FOR *INTER PARTES* REVEIW**

I. INTRODUCTION

1. I have been retained by outside counsel on behalf of Intellectual Discovery Co., Ltd., in connection with *inter partes* review no. IPR2013-00635 of U.S. Patent No. 6,978,346. I understand that the patent is owned by Electronics and Telecommunications Research Institute (ETRI) and exclusively licensed to Safe Storage, LLC.

2. I am being compensated at my standard hourly rate for my work on this matter, including providing this declaration. My compensation is not dependent on the outcome of this review and in no way affects the substance of my testimony in this declaration.

3. I have no financial interest in ETRI; Safe Storage, LLC; Intellectual Discovery Co., Ltd.; the '346 Patent; or in the outcome of any proceeding involving the '346 Patent.

4. I have reviewed and am familiar with the following documents in the record of this case:

Document	Exhibit/ Paper No.
'346 Patent	1001
Prosecution History of the '346 Patent	2001
Petition for *Inter Partes* Review filed in this case on Sept. 27,	1

2013 (Petition)	
Declaration of Dr. M. Ray Mercer filed with the Petition	1006
U.S. Patent No. 5,574,950 (Hathorn)	1005
Patent Owner's Preliminary Response filed on Jan. 2, 2014	14
Decision Instituting *Inter Partes* Review on Mar. 20, 2014	19
Webster's Computer Dictionary (9th ed. 2001)	2004
Microsoft Computer Dictionary (5th ed. 2002)	2005

5. I understand that the '346 Patent granted from U.S. Patent Appl. No. 09/753,245 (Exhibit 2001, pages 1-25) ('245 Application), which was filed at the United States Patent and Trademark Office (PTO) on December 29, 2000.

6. I understand that the '245 Application claimed priority to Korean Patent Appl. No. 2000-54807 (Exhibit 2001, pages 61-83) (Korean Priority Application), which was filed at the Korean Patent Office on September 19, 2000. I understand that as a result the effective filing date of the '346 Patent is September 19, 2000. I also assume that this is the invention date for the '346 Patent, although I understand that the inventors may have actually invented the invention before that date.

7. I understand that the Petitioners asserts that claims 1-3 and 5-8 of the '346 Patent are anticipated by U.S. Patent No. 5,574,950 (Hathorn) under 35 U.S.C. § 102 and that trial has been instituted to answer that question.

8. I have been instructed to give the claims of the '346 Patent at issue in this review their broadest reasonable interpretation in light of the '346 Patent's specification and prosecution history. I understand that this interpretation is from the perspective of one of ordinary skill in the art at the time of the patent's effective filing date.

9. I understand that anticipation under 35 U.S.C. § 102 requires that a single prior art reference disclose, either explicitly or inherently, all of the limitations of a patent claim arranged together as stated in the claim.

10. I understand that inherent disclosure of feature in a reference requires that the feature necessarily must be present and that inherency cannot be predicated on the mere possibility that the feature might be present in what the reference describes.

II. QUALIFICATIONS AND EXPERTISE

11. I am a (Full) Professor of Computer Science and Electrical & Computer Engineering with permanent tenure at Georgia Institute of Technology ("Georgia Tech"). I have been in this position since mid-2008. Prior to that, I was a (Full) Professor of Electrical and Computer Engineering with permanent tenure at North Carolina State University ("NC State") from July 1995 to June 2008. I was an Assistant Professor of Electrical and Computer Engineering at the University of South Carolina from 1992 to 1995. I received my Bachelor of Electrical

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Engineering degree from the University of Delaware in 1986; I received my Master of Science in Electrical Engineering from the University of Illinois at Urbana-Champaign in 1988; and I received my Doctor of Philosophy in Electrical Engineering from the University of Illinois at Urbana-Champaign in 1992.

12. I am a Fellow of the Institute of Electrical and Electronic Engineers ("IEEE") and a member of the Association for Computing Machinery ("ACM"). I am the 2014 President-elect (2015 President) and past Vice President for Publications of the IEEE Computer Society. I am the past chair of the IEEE Computer Society's Technical Committee on Microarchitecture and Microprogramming; and past Chair of the ACM Special Interest Group on Microarchitecture. I served as the Program Chair of the 1995 IEEE/ACM International Symposium on Microarchitecture, the General Chair of the 2003 IEEE/ACM International Symposium on Code Generation and Optimization, the Program Chair of the 2003 IEEE/ACM International Conference on Compilers, Architecture and Synthesis for Embedded Systems, the Program Chair of the 2006 IEEE/ACM International Symposium on Code Generation and Optimization, the General Co-Chair of the 2006 and 2010 IEEE/ACM International Symposia on Microarchitecture, and the General Co-Chair of the 2009 IEEE/ACM International Symposium on High Performance Computer Architecture. I am serving on or have served on the technical program committees of the IEEE/ACM International Symposium on

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