UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, INC.
Petitioner

v.

B.E. TECHNOLOGY, LLC
Patent Owner

IPR Case No.: To be Assigned

**DECLARATION OF STEPHEN GRAY
IN SUPPORT OF PETITIONER GOOGLE, INC.
IN THE *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,771,290**

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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I.   **INTRODUCTION**

1.   I, Stephen Gray, have been retained by Mayer Brown, LLP on behalf of Petitioner Google Inc. ("Google") as an independent expert in this *Inter Partes* review by the U.S. Patent and Trademark Office. As part of my engagement I have been asked to provide analysis and expert opinions on the following topics: (a) the disclosure of U.S. Patent No. 6,771,290 ("the '290 Patent"); and (b) the validity of claims 2 and 3 of the '290 Patent. I understand that Claims 2 and 3 have been asserted by Patent Owner B.E. Technology, LLC ("B.E. Technology") against Google in co-pending litigation styled *B.E. Technology, L.L.C. v. Google Inc.,* Civil Action No. 12-cv-02830-JMP-TMP pending in the United States District Court for the Western District of Tennessee.

2.   It is my opinion that Claims 2 and 3 (the "Challenged Claims") are invalid in view of the prior art discussed later in this Declaration. Specifically, it is my opinion that the prior art constitutes, discloses, teaches, or suggests the inventions claimed in the Challenged Claims, and thus the Challenged Claims are anticipated and/or rendered obvious by the prior art, including the knowledge of those skilled in the art. The particular references that invalidate the Challenged Claims, as well as the reasons for my opinion, are set forth in detail below.

3.   I am being compensated for my work on this case at my standard consulting rate of $405 per hour. I am also being reimbursed for expenses that I

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incur. My compensation is not contingent upon the results of my study, the substance of my testimony, or the outcome of this case.

4. This declaration explains, based on facts and information available to me to date, the subject matter and opinions related to this *Inter Partes* review. As such, I am prepared to provide expert testimony regarding opinions formed resulting from my analysis of the issues considered in this declaration if asked about those issues by the Board or by the private parties' attorneys.

5. Additionally, I may discuss my own work, teachings, and knowledge of the state of the art in the relevant time period. I may rely on handbooks, textbooks, technical literature, and the like to demonstrate the state of the art in the relevant period and the evolution of relevant technologies.

6. This declaration describes my opinions in the matter named above. However, I respectfully reserve my right to alter or supplement my analysis in response to any criticisms or alternative opinions offered by B.E. Technology or any other matter that might cause me to alter my opinion.

7. It is my understanding that discovery may occur in this proceeding. I reserve the right to modify or supplement my opinions, as well as the basis for my opinions, in light of any documents, testimony, or other evidence that may emerge during the course of this matter, including depositions that have yet to be taken.

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