

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
TWITTER, INC., AND YELP INC.,  
Petitioners,

v.

EVOLUTIONARY INTELLIGENCE LLC  
Patent Owner.

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*Inter Partes* Review No. IPR2014-00086  
*Inter Partes* Review No. IPR2014-00812

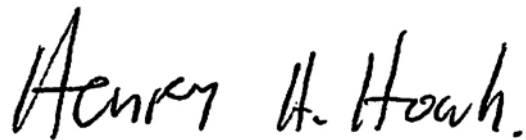
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**Supplemental Declaration of Henry Houh Regarding  
U.S. Patent No. 7,010,536**

Apple, Yelp, & Twitter v. Evolutionary Intelligence  
IPR2014-00086 & IPR2014-00812

I, Henry Houh, do hereby declare and state, that all statements made herein of 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.

Dated: October 27, 2014



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Henry Houh

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## **I. Introduction**

1. I have been retained by counsel for Apple Inc. (“Apple”) as an expert witness in the above-captioned proceeding. I was asked to provide my opinion about the state of the art of the technology described in U.S. Patent No. 7,010,536 (“the ’536 patent”) and on the patentability of claims 2-14, and 16 of the ’536 patent. I submitted a written declaration on these topics, which was filed as Exhibit 1003 (“First Declaration or Ex. 1003”). I also provided testimony in this proceeding, which was filed as Exhibit 1008.

2. I have been asked to review information provided in the proceeding after I provided my earlier filed Declaration (Exhibit 1003) and offer my views on that information. In particular, I have reviewed the Patent Owner’s Response to the Petition (Paper No. 20), as well as the accompanying Declaration (Exhibit 2006) and deposition testimony of Matthew Green (Exhibit 2009).

3. My opinions are based on my years of education, research and experience, as well as my investigation and study of relevant materials.

## **II. Analysis**

### **A. Background**

4. After reviewing Patent Owner’s Response to the Petition, the Declaration of Matthew Green, and the deposition testimony of Matthew Green, my opinions in my First Declaration have not changed. I also offer the following

additional observations based on statements that Dr. Green or the Patent Owner made in their documents.

5. It appears that Patent Owner is attempting to create confusion in the record about what I identified in the Gibbs reference (Ex. 1006) as corresponding the claimed “plurality of containers” in the ’536 patent. *E.g.*, P.O. Resp. at 22-24, 29-36, 54-56; Ex. 2006 (Green Dec.) at ¶¶ 127-29. I am submitting this declaration to dispel that confusion.

6. In addition, I am addressing a number of additional topics raised by Patent Owner and Dr. Green about the Gibbs (Ex. 1006) reference, as well as the Patent Owner's statements suggesting new or additional interpretations of terms in the claims. I address these new issues at the end of this declaration.

7. To provide a little background, Gibbs describes a railroad management system, where each end-user has a personal computer running a software package that allows that user to generate maps and reports about the train system. The software package is written using an object-oriented software design scheme.

8. In object-oriented software design, the components of an application are represented using objects. In the Gibbs system, this means that the items from the real world train system are represented as transport objects; the maps and reports that a user can generate are represented by map objects and report objects,

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