

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC., SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,  
SAMSUNG ELECTRONICS AMERICA, INC. AND SAMSUNG  
ELECTRONICS COL., LTD.  
Petitioners

v.

MICROGRAFX, LLC  
Patent Owner

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CASE IPR2014-00532  
Patent 5,959,633

**DECLARATION OF GARRY KITCHEN IN RESPONSE TO  
THE DECISION OF THE INSTITUTION OF IPR REGARDING PATENT  
5,959,633**

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

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I, Garry Kitchen, declare as follows:

## **I. INTRODUCTION**

### **A. Scope of Report**

1. I, Garry Kitchen, have been retained as a technical expert in the above-captioned case. Specifically, I have been asked to render certain opinions in regards to the PTAB's decision on the IPR petition regarding U.S. Patent No. 5,959,633 (the '633 Patent). I understand that the PTAB instituted IPR on Claims 1-4, 6, 8-11, 13, and 15 of the '633 Patent. My opinions are limited to those challenged Claims.

2. My conclusions are summarized in Section III at the end of this declaration.

3. In reaching my opinions in this matter, I have reviewed the Petition, the '633 Patent, the file history of the '633 Patent, the Declaration of Dr. Anselmo Lastra regarding the '633 Patent, U.S. Patent No. 5,883,639 (Walton); U.S. Patent No. 5,564,048 (Eick); excerpts of David J. Kruglinski, *Inside Visual C++* (2nd ed., Ver. 1.5, 1994); the PTAB's Institution Decision, and other materials cited or discussed herein. I also relied upon my education and experience as a person of ordinary skill in the art.

### **B. Qualifications**

#### **1. Education**

4. I am an engineer, video game designer and consultant. I received a Bachelor of Science in Electrical Engineering in 1980 from Fairleigh Dickinson University, where I was awarded membership in the Eta Kappa Nu Honor Society, the Electrical Engineering and Computer Engineering Honor Society of the Institute of Electrical and Electronic Engineers (IEEE). As an Electrical Engineering student, I was twice chosen to receive the Engineering Merit Scholarship from Panasonic / Matsushita Corporation of Japan, one of the largest consumer electronics companies in the world.

## **2. Professional Experience**

5. My career in the electronic entertainment/video game industry includes over 30 years of experience running game development companies, with significant hands-on technical and creative experience in all game genres, including console, PC retail and download, online, mobile, and dedicated electronic. I have been directly involved in the design of hundreds of commercially-released video game products, across a breadth of hardware platforms, from the earliest Atari machine through the present day Apple iPhone. I have personally developed video game software products that have generated career sales in excess of \$350 million.

6. In 1979, while still in engineering school, I invented and developed the handheld electronic game *Bank Shot* for Parker Brothers, named one of the “10

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