

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**HTC CORPORATION AND HTC AMERICA, INC.,
Petitioner**

v.

**E-WATCH, INC. AND E-WATCH CORPORATION,
Patent Owner**

Case: IPR2014-00989

US Patent No. 7,643,168

**Title: Apparatus for Capturing, Converting and Transmitting a Visual Image
Signal via a Digital Transmission System**

**DECLARATION OF DR. JOSE LUIS MELENDEZ IN SUPPORT OF
PATENT OWNER RESPONSE RELATED TO *INTER PARTES* REVIEW
OF U.S. PATENT NO. 7,643,168**

E-Watch, Inc.
EXH. 2008
Petitioner - HTC Corporation et. al
Patent Owner - E-Watch, Inc.

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I. INTRODUCTION

1. My name is Dr. Jose Luis Melendez, I am an independent expert in the fields of imaging and wireless technologies, and I reside in Lakeway, Texas, a community in close proximity to the Texas capital city of Austin.

2. I have been asked to and have conducted a review of Great Britain 2289555A (“Wilksa”) and European 0594992A1 (“Yamagishi”) to determine whether or not these foreign documents are, or combine to be, invalidating prior art to Patent Owner’s United States Patent No. 7,643,168 (“’168 patent”).

3. I have also been asked to and have conducted a review of Japanese H06-133081 (“Morita”) and US 5,477,264 (“Sarbadhikari”) to determine whether or not these documents are, or combine to be, invalidating prior art to Patent Owner’s United States Patent No. 7,643,168 (“’168 patent”). Additionally, I have been asked to review PCT Application Publication No. WO 95/23485 (“Longginou”) together with Morita and Sarbadhikari in light of Claims 16-18.

4. Additionally, I have reviewed the IPR2014-00989 petition submitted by HTC Corporation and HTC America, Inc. (“Petitioner(s)”) along with its exhibits, including the report of Mr. Kenneth Parulski (“Parulski declaration”). I have also reviewed the IPR petition of Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (together “Samsung”) for the ‘168 Patent, which petition

I understand may be joined with the subject IPR, though I found the Samsung petition to add no new substantive arguments over the subject Petition. In this report, I will address only certain aspects of the petition, patent claims, and Parulski declaration that I believe will be of particular benefit to the Patent Trial and Appeal Board (PTAB) in evaluating the petition, in light of the record and totality of stakeholder arguments, in coming to its final decisions regarding the '168 patent.

5. During the prosecution of the '168 patent and prior to its acceptance and publication, over 150 references were cited as prior art as being relevant to the allowed invention comprising a combination of both United States and foreign patents, applications and other publications. Many of these references related to systems that generally serve to combine imaging and wireless technologies, an indication, as will be noted in further detail here, that the '168 patent claims and invention that was necessarily distinguished during prosecution from the generic concept of combining imaging and wireless, of which Wilska and Yamagishi separately and together, as well as Morita and Sarbadhikari (together with Longginou for Claims 16-18), separately and together, reveal disclosures and teachings that are distinguishable from the '168 patent. As such, a person of ordinary skill in the art (POSITA), even as defined by Mr. Parulski, would thus

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