In re Patent of:	Gregory J. Pinter	
U.S. Patent No.:	5,894,506	Attorney Docket No.: 39521-0003IP2
Issue Date:	April 13, 1999	
Appl. Serial No.:	08/708,696	
Filing Date:	September 5, 1996	
Title:	METHOD AND APPARATUS FOR GENERATING AND COMMUNICATING MESSAGES BETWEEN SUBSCRIBERS TO AN ELECTRONIC MESSAGING NETWORK	

DECLARATION OF DR. RAJEEV SURATI

1.   My name is Dr. Rajeev Surati of Cambridge, Massachusetts.   I understand that I am submitting a declaration offering technical opinions in connection with the above-referenced *Inter Partes* review proceeding pending in the United States Patent and Trademark Office for U.S. Patent No. 5,894,506 ("the '506 Patent"), and prior art references relating to its subject matter. My current curriculum vita is attached and some highlights follow.

2.   I have over twenty (20) years of experience in electrical engineering and computer science and in network messaging.   I attended the Massachusetts Institute of Technology (MIT) from 1988 to 1999, during which, I earned a Bachelor of Science (1992) , Master of Science (1995) and a Doctor of Philosophy (1999) in electrical engineering and computer science.

3.   While at MIT, starting in 1988, I extensively worked with a two-way network messaging system known as the Zephyr messaging system, which was part of MIT's project Athena, MIT's LAN based distributed computing infrastructure.

4.   I am the inventor of US Patent 5,943,478, which is titled, "System for Popup Messaging over the Internet," and describes a two-way messaging system like AOL Instant Messenger and MIT's Zephyr service built at Internet scale.

5.   In 1996, I founded a company, Flash Communications, which was focused on technology related to US Patent 5,943,478 and associated technology that I had developed related to pop-up two-way messaging over the Internet.   Flash Communications was sold to Microsoft Corporation in 1998,

and Flash Communications' messaging technology was incorporated into Microsoft's Messenger service and Microsoft Exchange 2000 Instant Messaging Server.

6.   While working at Microsoft between 1999 and 2000, I implemented an XML-based protocol that formed a basis for the Extensible Messaging and Presence Protocol (XMPP), which is now an IETF standard for the Exchange Instant Messaging Server. I participated internally with the program management team on helping specify this protocol for the IETF standardization process.

7.   During my work at Microsoft, I co-invented the technology described in US Patent 6,415,318, titled "Inter-enterprise Messaging System Using Bridgehead Servers," which describes a particular type of instant two-way messaging system now being used in the Microsoft Exchange product, and US Patent 6,260,148, titled "Methods and Systems for Message Forwarding and Property Notifications Using Electronic Subscriptions," which describes a particular scheme for implementing two-way network based instant messaging.

8.   Between 2000 and 2004, I worked as a consultant and investor at Nexaweb Corporation, where I helped implement several two-way messaging features over HTTP.

9.   I founded Scalable Display Technologies in 2004, and I have been the President and Chairman of the company since the founding.   The products and services of the company are based on technologies developed for my Ph.D. thesis and related patents.

10.   Over the course of my career, I have authored and co-authored some ten (10) publications and invited talks on various aspects of electrical engineering and computer science, including my Bachelor of Science thesis entitled "A Parallelizing Compiler based on Partial Evaluation," which was awarded the Best Undergraduate Thesis in Computer Science in 1992 at MIT.

11.   For my contributions as an inventor and entrepreneur, I have received several awards, including the Global Indus Technovator Award 2009 and Laureate of 2009 Computer World Honors Program.

12.   I am on the advisory boards of several technology companies, including UnifySquare, which is a unified communications/realtime collaboration consultancy; Paneve, which develops general purpose ASIC coupled with compiler technology; Nexaweb, which develops realtime web

application frameworks using HTTPS; Antix Labs, which develops compiler technology for universal gaming platform; Permabit, which develops content addressable storage; and Evoque, which is an ecommerce enabling platform publisher.

13.   I have no financial interest in either party or in the outcome of this proceeding.   I am being compensated for my work as an expert on an hourly basis.   My compensation is not dependent on the outcome of these proceedings or the content of my opinions.

14.   I have reviewed the content of U.S. Patent No. 5,894,506 (the "'506 Patent").   Additionally, I have reviewed the following documents, each cited by/in this declaration, including: U.S. Patent No. 5,850,594 to Cannon et al.   ("Cannon"); U.S. Patent No. 5,970,122 to LaPorta et al. ("LaPorta"); U.S. Patent No. 5,588,009 to Craig A. Will ("Will"); and U.S. Patent No. 5,784,001 to Deluca et al. ("Deluca").   I have also reviewed certain sections of the prosecution history of the '506 Patent; the claim construction order from *Mobile Telecommunications Technologies, LLC v. Apple Inc.*, Docket No. 2:13-cv-258 (E.D. Tex.) ("MTel Litigation"); and Plaintiff's Opening Brief on Issues of Claim Construction from the MTel Litigation ("Patent Owner's Opening Brief").

15.   Counsel has informed me that I should consider these materials through the lens of one of ordinary skill in the art related to the '506 Patent at the time of the invention, and I have done so during my review of these materials.   I believe one of ordinary skill as of September 5, 1996 (the priority date of the '506 Patent) would have a Bachelor's degree in computer science or computer engineering, as well as practical experience in computer networking and in some aspect of two-way messaging with respect to computer networks.   I base this on my own personal experience, including my knowledge of colleagues and others at the time.   With this in mind, for purposes of this analysis, references that I make to the views of a person of ordinary skill are intended to relate the views of that person as of September 5, 1996 or earlier, whether stated with respect to the present or past tense.

16.   I have been informed that claim terminology must be given the broadest reasonable interpretation during an IPR proceeding.   I have been informed that this means the claims should be interpreted as broadly as their terms reasonably allow, but that such interpretation should not be inconsistent with the patent's specification and with usage of the terms by one of ordinary skill in the art.

Counsel has also informed me that this may yield interpretations that are broader than the interpretation applied during a District Court proceeding, such as the pending MTel litigation.

17. My findings, as explained below, are based on my study, experience, and background in the fields discussed above, informed by my education in electrical engineering and computer science, and my experience in the design and analysis of messaging systems.

18. This declaration is organized as follows:

I.   BRIEF OVERVIEW OF THE '506 PATENT

19. The '506 Patent is directed to a "method and apparatus for generating and communicating messages between subscribers to an electronic messaging network." APL-1001, Title. The '506 Patent includes 21 claims, of which claims 1, 8, 15, 19 and 21 are independent.

20. As a preferred implementation of an electronic messaging network, the '506 Patent describes a calling party terminal 10 that is connected, via communications link 16, to a network operation center (NOC) 12. In turn, the NOC is connected, via communications link 18, to a receiving party terminal. *Id.* at 3:24-35; *see also* Fig. 1 (reproduced below).
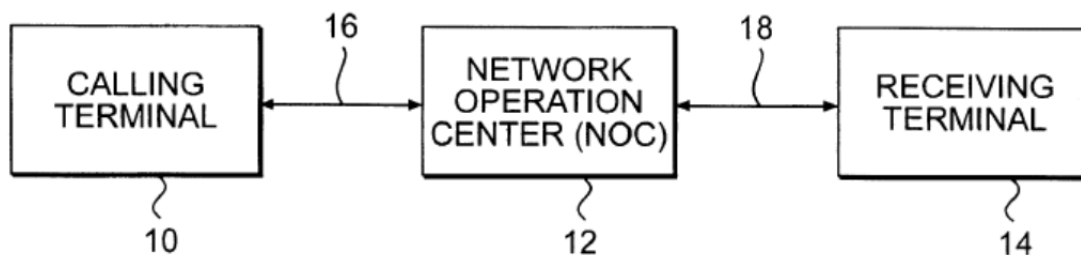

FIG. 1

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21. The calling terminal stores a file of canned messages and associated canned message codes. When a calling party at terminal 10 wishes to send a message to a receiving party at terminal 14, the calling terminal 10 retrieves the file of canned messages from the terminal storage and displays the file to the calling party. The calling party selects one of the canned messages from the displayed file of canned messages using a suitable pointing means, such as a mouse or a cursor. Based on the calling party's selection, the terminal 10 retrieves from the file the canned message code associated with the selected canned message. *Id.* at 3:44-58.

22. The '506 Patent describes that in some implementations, the calling party may add response options to the selected canned messages. In such implementations, the calling terminal 10 maintains a file of canned response options and associated response codes. When a calling party at terminal 10 wishes to add response options to a selected canned message, the calling terminal 10 retrieves the file of canned response options from the terminal storage and displays the file to the calling party. The calling party selects one of the canned response options from the displayed file of canned response options using a suitable pointing means, such as a mouse or a cursor. Based on the calling party's selection, the terminal 10 retrieves the canned response code associated with the selected canned response option. *Id.* at 4:33-48.

23. In some implementations, the calling party may add a parameter, e.g., time, date, or phone number, to the selected canned message, using an appropriate entry device, e.g. a keypad. *Id.* at 5:59-63. The parameter may be added as an alternative, or in addition, to the response options. *Id.* at 4:48-56.

24. The calling terminal 10 compiles the retrieved message code associated with the selected canned message with an appropriate indicator code, calling and receiving terminal addresses. *Id.* at 3:66. If a response option is selected, the associated response code is compiled with the canned message code. Additionally or alternatively, if a parameter is selected, the parameter is compiled with the canned message code (along with possibly the canned response code). *Id.* at 3:59-66, 4:48-53. The calling party then transmits the compiled canned message code, together with the compiled canned response code or added parameters, or both, if any, with calling and receiving terminal addresses to NOC 12 over communications link 16. *Id.* at 3:66-4:32, 4:53-5:44.

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