

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD;
SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners,

v.

AFFINITY LABS OF TEXAS, LLC,

Patent Owner.

Case IPR2014-01181¹

Patent No. 8,532,641 B2

**DECLARATION OF THOMAS R. DESIMONE IN SUPPORT OF
PATENT OWNER'S RESPONSE TO *INTER PARTES* REVIEW OF
UNITED STATES PATENT NO. 8,532,641**

¹ Cases IPR2014-01182 and IPR2014-01184 have been consolidated with the instant proceeding.

I, Thomas R. DeSimone, make the following Declaration pursuant to 28 U.S.C.

§ 1746:

1. I am an attorney at the law firm of Robins Kaplan, LLP.

2. I provide this Declaration in connection with the above-identified *Inter Partes* Review proceeding that was initiated by the above identified petitioners under 35 U.S.C. §§ 311-319 and C.F.R. § 42. Unless otherwise stated, all facts in this Declaration are based on my personal knowledge.

3. Attached hereto as Exhibit 2006 is a true and correct copy of an excerpt from a book authored by Ken C. Pohlmann entitled “Principles of Digital Audio” pp. 243-252 (4th ed. 2000). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

4. Attached hereto as Exhibit 2007 is a true and correct copy of a transcript of the Deposition of Dr. Schuyler Quackenbush, dated April 17, 2015. Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

5. Attached hereto as Exhibit 2008 is a true and correct copy of an excerpt from the Merriam-Webster “Webster’s Ninth New Collegiate Dictionary.” Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

6. Attached hereto as Exhibit 2009 is a true and correct copy of a document authored by Hewlett Packard entitled “The Personal Handy Phone System in Japan’s

Wireless Communication Market” (1996). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

7. Attached hereto as Exhibit 2010 is a true and correct copy of an article authored by Doug Newcomb entitled “From Eight-Track to Bluetooth: In-Car Entertainment's Bumpy Ride” Wired Magazine (July 19, 2012). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

8. Attached hereto as Exhibit 2011 is a true and correct copy of an article authored by Les Freed entitled “The First Bluetooth” at PCMag.com, <http://www.pcmag.com/article2/0,2817,34229,00.asp> (Jan. 2, 2001). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

9. Attached hereto as Exhibit 2012 is a true and correct copy of U.S. Patent No. 8,521,140 (“the ’140 patent”). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

10. Attached hereto as Exhibit 2013 is a true and correct copy of U.S. Patent No. 7,953,390 (“the ’390 patent”). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

11. Attached hereto as Exhibit 2014 is a true and correct copy of U.S. Patent No. 7,778,595 (“the ’595 patent”). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

12. Attached hereto as Exhibit 2015 is a true and correct copy of U.S. Patent No. 7,324,833 (“the’833 patent”). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

13. Attached hereto as Exhibit 2016 is a true and correct copy of the File History for U.S. Patent No. 8,521,140. Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

14. Attached hereto as Exhibit 2017 is a true and correct copy of the October 5, 2012 Action Closing Prosecution in Reexamination Control Nos. 90/010,333, 95/001,223, 95/001,264 (*Ex Parte* and *Inter Partes* Reexamination of U.S. Patent No. 7,324,833). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

15. Attached hereto as Exhibit 2018 is a true and correct copy of a Jury Verdict Form, *Affinity Labs of Texas, LLC v. Hyundai Motor Am. Inc., et al.*, DI 520, txed-9-08-cv-00164 (E.D. Tex. Oct. 28, 2010). Other than the exhibit tab information affixed to

the bottom right hand corner of each page, no alterations have been made to these documents.

16. Attached hereto as Exhibit 2019 is a true and correct copy of U.S. Patent No. 7,486,926 (“the ’926 patent”). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

17. Attached hereto as Exhibit 2020 is a true and correct copy of the February 15, 2013 Decision on Request for Rehearing in Reexamination Control No. 95/001,263 (*Inter Partes* Reexamination of U.S. Patent No. 7,486,926). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

18. Attached hereto as Exhibit 2021 is a true and correct copy of U.S. Patent No. 7,634,228 (“the ’228 patent”). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

19. Attached hereto as Exhibit 2022 is a true and correct copy of the February 14, 2013 Office Action in Reexamination Control No. 90/011,982 (*Ex Parte* Reexamination of U.S. Patent No. 7,634,228). Other than the exhibit tab information affixed to the bottom right hand corner of each page, no alterations have been made to these documents.

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