IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

In re *Inter Partes* Review of:
U.S. Patent No. 8,050,652

For: METHOD AND DEVICE FOR AN INTERNET RADIO CAPABLE OF OBTAINING PLAYLIST CONTENT FROM A CONTENT SERVER

DECLARATION OF KEVIN JEFFAY, PH.D.

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

I, Kevin Jeffay, hereby declare and state as follows:

1. I have been retained as a technical consultant on behalf of Samsung Electronics Co., Ltd., the petitioner in the present proceeding, and I am being compensated at my usual and customary hourly rate. The petition names Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC as real parties-in-interest. I have no financial interest in, or affiliation with, the petitioner, real parties-in-interest, or the patent owner, which I understand to be BLACK HILLS

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

MEDIA, LLC. My compensation is not dependent upon the outcome of, or my testimony in, the present *inter partes* review or any litigation proceedings.

2. I have reviewed each of the following:

   a. U.S. Patent No. 8,050,652 ("the '652 Patent"), including the claims, description and prosecution history (which is identified in the Petition respectively as Exhibits 1001 and 1002);

   b. U.S. Patent No. 7,187,947 to White, et al. (which is identified in the Petition as Exhibit 1003; hereinafter "White");

   c. U.S. Patent No. 6,199,076 to Logan, et al. (which is identified in the Petition as Exhibit 1004; hereinafter "Logan");

   d. U.S. Patent No. 7,020,704 to Lipscomb, et al. (which is identified in the Petition as Exhibit 1005; hereinafter "Lipscomb");

   e. U.S. Provisional Patent Application Nos. 60/157,736 (which is identified in the Petition as Exhibit 1006; "the '736 application" or "the '736 app."), 60/176,829 (which is identified in the Petition as Exhibit 1007; "the '829 application" or "the '829 app."), 60/176, 830 (which is identified in the Petition as Exhibit 1008; "the '830 application" or "the '830 app."), 60/176,833 (which is identified in the

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

Petition as Exhibit 1009; "the '833 application" or "the '833 app."), 60/177,063 (which is identified in the Petition as Exhibit 1010; "the '063 application" or the "063 app."), 60/177,783 (which is identified in the Petition as Exhibit 1011; "the '783 application" or "the '783 app."), 60/177,867 (which is identified in the Petition as Exhibit 1012; "the '867 application" or "the '867 app."), 60/177,884 (which is identified in the Petition as Exhibit 1013; "the '884 application" or "the '884 app.") (collectively, these provisional applications are referred to as "the Lipscomb provisional applications"); and

f. all references cited below in the state of the art section of this declaration.

3. Upon reviewing the '652 Patent, I understand that a non-provisional application was filed on November 27, 2006 (Appl. No. 11/563,232) ("the '232 application"), which issued as the '652 Patent. I further understand that the '232 application is a continuation of U.S. patent application No. 09/805,470 (filed Mar. 12, 2001) ("the '470 application"), which is a continuation-in-part of U.S. patent application No. 09/096,703 (filed Jun. 12, 1998) ("the '703 application"), and which claims the benefit of U.S.

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

provisional application No. 60/246,842 (filed Nov. 8, 2000) ("the '842 provisional application"). The '703 application also claims the benefit of U.S. provisional patent application No. 60/072,127 (filed Jan. 22, 1998) ("the '127 provisional application"). My opinion is that the '652 Patent is not entitled to claim priority to each of these applications. Each of the independent claims of the '652 Patent recites a "playlist identifying a plurality of songs." However, playlists identifying a plurality of songs were not disclosed in the chain of applications leading to the '652 Patent until the '842 provisional application, which was filed on November 8, 2000. Accordingly, the earliest possible disclosure of the claims of the '652 Patent is November 8, 2000.

4. It is my opinion that a person of ordinary skill in the art at the time of the inventions claimed in the '652 Patent would have typically have had at least a B.S. degree in electrical engineering, computer engineering or computer science and approximately two years of professional experience with computer networking and multimedia technologies, or the equivalent. I was a person of skill in this art in November 2000.

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

5. My background, qualifications, and experience relevant to the issues in proceeding are summarized below. My curriculum vitae is submitted herewith as Exhibit 1016.

6. I am a tenured professor in the Department of Computer Science at the University of North Carolina at Chapel Hill where I currently hold the position of Gillian T. Cell Distinguished Professor of Computer Science.

7. I have a Ph.D. in computer science from the University of Washington, a M.Sc. degree in computer science from the University of Toronto, and a B.S. degree with Highest Distinction in mathematics from the University of Illinois at Urbana-Champaign.

8. I have been involved in the research and development of computing systems for over 30 years. I have been a faculty member at the University of North Carolina since 1989 where I perform research and I teach in the areas of operating systems, distributed systems, real-time and embedded systems, computer networking, multimedia computing and networking, and network management, among others. I consider myself an expert in these areas as well as others.

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.

WHAT WILL YOU BUILD? | sales@docketalarm.com | 1-866-77-FASTCASE

fastcase®
Smarter legal research.