

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
AT&T MOBILITY LLC
Petitioners

v.

SOLOCRON MEDIA, LLC
Patent Owner

Case IPR2015-_____
Patent No. 7,319,866

DECLARATION OF RICHARD T. MIHRAN, PH.D. UNDER 37 C.F.R.
§ 1.68 IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S.
PATENT NO. 7,319,866

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	BACKGROUND AND QUALIFICATIONS.....	3
III.	UNDERSTANDING OF PATENT LAW.....	5
IV.	BACKGROUND.....	8
	A. Overview of the ‘866 Patent.....	8
	B. Summary of the Prosecution History of the ‘866 Patent.....	14
V.	LEVEL OF ORDINARY SKILL IN THE PERTINENT ART.....	19
VI.	BROADEST REASONABLE CONSTRUCTION.....	19
VII.	DETAILED INVALIDITY ANALYSIS.....	23
	A. Summary of Opinions.....	24
	B. Claim 10 is Anticipated by Holm.....	25
	1. Background on Holm.....	25
	2. Holm Discloses All Elements of Claim 10.....	31
	C. Claim 10 is Anticipated by the Nokia 3510 User Guide.....	45
	1. Background on the Nokia 3510 User Guide.....	45
	2. The Nokia 3510 User Guide Discloses All Elements of Claim 10.....	46
	D. Claim 10 is Rendered Obvious by the Combination of the Shanahan PCT and Futamase, Baron, and/or Nuova.....	58
	1. Background on the Shanahan PCT, Futamase, Baron, and Nuova.....	58

2. One of Skill in the Art Would Have Been Motivated to Combine the Shanahan PCT Application with Futamase, Baron, and/or Nuova.....	60
3. The Shanahan PCT Application in Combination With Futamase, Baron, and/or Nuova Discloses All Elements of Claim 10.	62
E. Holm in Combination With Futamase, Baron, and/or Nuova Discloses All Elements of Claim 10.	67
VIII. SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS	69
IX. SUPPLEMENTATION	70
X. CONCLUSION	70

I, Richard T. Mihran, Ph.D. hereby declare as follows:

I. INTRODUCTION

1. I have been retained as an expert witness on behalf of Celco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) for the above-captioned Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 7,319,866 (“the ‘866 patent”). I am being compensated for my time in connection with this IPR at my standard consulting rate of \$600 per hour. My compensation is in no way dependent on the outcome of this matter.

2. I have been asked to provide my opinions regarding whether claim 10 of the ‘866 patent (“claim 10”) is invalid, as anticipated by the prior art, or would have been obvious to a person having ordinary skill in the art at the time of the alleged invention.

3. The ‘866 patent issued on January 15, 2008, from U.S. Patent Application No. 10/915,866 (“the ‘866 Application”), filed on August 11, 2004. Exhibit 1001, the ‘866 patent. The face of the patent indicates Michael E. Shanahan as the named inventor. The ‘866 patent is a continuation of U.S. Patent Application No. 10/223,200, filed August 16, 2002, which is a continuation of U.S. Patent Application No. 09/518,782, filed on March 3, 2000, which issued as U.S. Patent No. 6,496,692 (“the ‘692 patent”).

4. While the ‘866 patent claims priority to the application that led to the

‘692 patent, claim 10 of the ‘866 patent introduces the concept of “polyphonic audio files,” a term which is not used or described in the specifications of any the alleged priority applications. Thus, for the purposes of this Declaration, I have been asked to assume that the priority date for claim 10 of the ‘866 patent is the filing date shown on its cover page, *i.e.* August 11, 2004, rather than the filing date of the parent ‘692 patent.

5. In preparing this Declaration, I have reviewed the ‘866 patent, the file history of the ‘866 patent, and numerous prior art references and technical references from the time of the alleged invention. A complete listing of materials that I reviewed can be found at Exhibit B to my Declaration.

6. I have been advised and it is my understanding that patent claims in an IPR are given their broadest reasonable construction in view of the patent specification, file history, and the understanding of one having ordinary skill in the relevant art at the time of the purported invention.

7. In forming the opinions expressed in this Declaration, I relied upon my education and experience in the relevant field of the art, and have considered the viewpoint of a person having ordinary skill in the relevant art, as of 2004. My opinions directed to the invalidity of claim 10 of the ‘866 patent are based, at least in part, on the following prior art publications:

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