

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SOLOCRON MEDIA, LLC  
Patent Owner

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Case IPR2015-\_\_\_\_\_  
Patent No. 7,257,395

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**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. 7,257,395**

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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 ‘395 Patent .....	8
B.	Summary of the Prosecution History of the ‘395 Patent .....	14
V.	LEVEL OF ORDINARY SKILL IN THE PERTINENT ART .....	22
VI.	BROADEST REASONABLE CONSTRUCTION.....	23
VII.	DETAILED INVALIDITY ANALYSIS .....	26
A.	Summary of Opinions .....	27
B.	Claims 30, 39 and 40 are Anticipated by Holm .....	28
1.	Background on Holm .....	28
2.	Holm Discloses All Elements of Claims 30 and 39. ....	34
C.	Claim 36 is rendered obvious by Holm in view of McCarthy .....	47
D.	Claim 40 is Anticipated by Holm .....	53
E.	Claims 30, 36, 39 and 40 are Anticipated by the Nokia 3510 User Guide .....	56
1.	Background on the Nokia 3510 User Guide .....	56
2.	The Nokia 3510 User Guide Discloses All Elements of Claims 30, 36, 39 and 40. ....	58
F.	Claim 36 is Anticipated by the Nokia 3510 User Guide.....	70
G.	Claim 40 is Anticipated by the Nokia 3510 User Guide.....	71

H.	Claims 30, 36, 39 and 40 are Rendered Obvious by the Combination of the Shanahan PCT and Futamase.....	72
1.	Background on the Shanahan PCT and Futamase .....	72
2.	One of Skill in the Art Would Have Been Motivated to Combine the Shanahan PCT Application with Futamase.....	73
3.	The Shanahan PCT Application in Combination With Futamase Discloses All Elements of Claim 30/39. ....	75
4.	The Shanahan PCT Application in Combination With Futamase Discloses All Elements of Claim 36. ....	80
5.	The Shanahan PCT Application in Combination With Futamase Discloses All Elements of Claim 40. ....	82
VIII.	SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS .....	83
IX.	SUPPLEMENTATION.....	84
X.	CONCLUSION .....	85

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. 7,257,395 (“the ‘395 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 claims 30, 36, 39 and 40 of the ‘395 patent are 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 ‘395 patent issued on August 14, 2007, from U.S. Patent Application No. 10/223,200 (“the ‘200 Application”), filed on August 6, 2002. Exhibit 1001, the ‘395 patent. The face of the patent indicates Michael E. Shanahan as the named inventor. The ‘395 patent 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 ‘395 patent claims priority to the application that led to the ‘692 patent, many of the claims of the ‘395 patent introduce 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 claims 30, 36, 39, and 40 of the ‘395 patent is—at best—the filing date shown on its cover page, *i.e.* August 16, 2002, rather than the filing date of the parent ‘692 patent.<sup>1</sup>

5. In preparing this Declaration, I have reviewed the ‘395 patent, the file history of the ‘395 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 2002. My opinions directed to the invalidity of claims 30, 36, 39 and 40 of the ‘395 patent

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<sup>1</sup> I was asked to assume an August 2002 priority date given that all references discussed in the declaration pre-date that date. However, I note that the claims reciting polyphony in the ‘395 patent were not added until 2003 in a preliminary amendment and that the specification of the ‘395 patent does not use or describe the term “polyphonic audio files.”

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