

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. 7,295,864

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. 7,295,864

Mail Stop: Patent Board
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

| | | |
|------|---|----|
| I. | INTRODUCTION..... | 1 |
| II. | BACKGROUND AND QUALIFICATIONS..... | 3 |
| III. | UNDERSTANDING OF PATENT LAW | 5 |
| IV. | BACKGROUND..... | 8 |
| | A. Overview of the ‘864 Patent..... | 8 |
| | B. Summary of the Prosecution History of the ‘864 Patent..... | 13 |
| V. | LEVEL OF ORDINARY SKILL IN THE PERTINENT ART | 17 |
| VI. | BROADEST REASONABLE CONSTRUCTION | 18 |
| VII. | DETAILED INVALIDITY ANALYSIS | 19 |
| | A. Summary of Opinions..... | 20 |
| | B. Claims 11-14, 16-17 and 19 are Anticipated by Holm..... | 21 |
| | 1. Background on Holm..... | 21 |
| | 2. Holm Discloses All Elements of Claim 11..... | 27 |
| | 3. Holm Discloses All Elements of Claim 12..... | 40 |
| | 4. Holm Discloses All Elements of Claim 16..... | 43 |
| | 5. Holm Discloses All Elements of Claim 17..... | 45 |
| | 6. Holm Discloses All Elements of Claim 19..... | 48 |
| | C. Claims 13 and 14 are Rendered Obvious by Holm in Combination with Gargiulo..... | 52 |
| | 1. Holm in Combination with Gargiulo Discloses All Elements of Claim 13. | 54 |

| | |
|---|----|
| 2. Holm in combination with Gargiulo Discloses All Elements of Claim 14. | 59 |
| D. Claims 11, 12, 13, 14, 16, and 17 Are Anticipated by Dewing..... | 62 |
| 1. Background on Dewing | 62 |
| 2. Dewing Discloses All Elements of Claim 11. | 63 |
| 3. Dewing Discloses All Elements of Claim 12. | 77 |
| 4. Dewing Discloses All Elements of Claim 13. | 80 |
| 5. Dewing Discloses All Elements of Claim 14. | 82 |
| 6. Dewing Discloses All Elements of Claim 16. | 83 |
| 7. Dewing Discloses All Elements of Claim 17. | 84 |
| E. Claims 11-14, 16-17, and 19 are Rendered Obvious by the Shanahan PCT in view of Olrik. | 85 |
| 1. Background on the Shanahan PCT and Olrik..... | 85 |
| 2. One of Skill in the Art Would Have Been Motivated to Combine the Shanahan PCT Application with Olrik. | 87 |
| 3. The Shanahan PCT Application in Combination With Olrik Discloses All Elements of Claim 11..... | 89 |
| 4. The Shanahan PCT Application in Combination With Olrik Discloses All Elements of Claim 12..... | 94 |
| 5. The Shanahan PCT Application in Combination With Olrik Discloses All Elements of Claim 13..... | 95 |
| 6. The Shanahan PCT Application in Combination With Olrik Discloses All Elements of Claim 14..... | 96 |
| 7. The Shanahan PCT Application in Combination With Olrik Discloses All Elements of Claim 16..... | 97 |

| | |
|--|-----|
| 8. The Shanahan PCT Application in Combination With Olrik Discloses All Elements of Claim 17..... | 99 |
| 9. The Shanahan PCT Application in Combination With Olrik Discloses All Elements of Claim 19..... | 100 |
| VIII. SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS | 101 |
| IX. SUPPLEMENTATION..... | 102 |
| X. CONCLUSION | 103 |

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. 7,295,864 (“the ‘864 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 11-14, 16-17 and 19 of the ‘864 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 ‘864 patent issued on November 13, 2007, from U.S. Patent Application No. 10/603,271 (“the ‘271 Application”), filed on June 24, 2003. Exhibit 1001, the ‘864 patent. The face of the patent indicates Michael E. Shanahan as the named inventor. The ‘864 patent is a continuation of U.S. Patent Application No. 09/518,846, filed on March 3, 2000, which was abandoned. The face of the patent also claims priority to provisional application no. 60/169,158, filed on December 6, 1999.

4. While the ‘864 patent claims priority to the ‘271 application filed on

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.