

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

DSS TECHNOLOGY MANAGEMENT, INC.
Patent Owner

U.S. Patent No. 6,128,290

Inter Partes Review Case No. Unassigned

DECLARATION OF JACK D. GRIMES, PH.D.

APL 1008

IPR of U.S. Pat. No. 6,128,290

TABLE OF CONTENTS

I.	Introduction	4
II.	My Background and Qualifications	5
III.	List of Documents Considered in Formulating My Opinion	6
IV.	Person of Ordinary Skill in the Art	7
V.	My Understanding of Claim Construction	7
VI.	The Basis of my Analysis with Respect to Obviousness	8
VII.	The '290 Patent Specification	9
VIII.	Terminology of the Claims of the '290 patent	13
	A. "local oscillator"	13
IX.	State of the Art Before October 14, 1997 and Summary of References	16
	A. Barber	17
	B. Natarajan	21
	C. Neve	26
	D. Mahany	28
X.	Summary Chart of Analysis Over the Art	29
XI.	Ground 1: Claims 9 and 10 would have been obvious in view of Barber	30
	A. Independent claim 9 would have been obvious in view of Barber	30
	B. Claim 10 would have been obvious in view of Barber	46
XII.	Ground 2: Claims 6, 7, 9, and 10 would have been obvious over Natarajan in view of Neve	47
	A. Overview of the Combination of Natarajan and Neve	47
	B. Independent claim 6 would have been obvious over Natarajan in view of Neve	51
	C. Claim 7 would have been obvious over Natarajan in view of Neve	69
	D. Independent claim 9 would have been obvious over Natarajan in view of Neve	70
	E. Claim 10 would have been obvious over Natarajan in view of Neve	89
XIII.	Ground 3: Claims 6 and 7 would have been obvious over Mahany.	90

A. Independent claim 6 would have been obvious over Mahany. 90
B. Claim 7 would have been obvious over Mahany. 103
XIV. Objective Indicia of Nonobviousness 104
XV. Conclusion..... 105

I, Jack D. Grimes, Ph.D., hereby declare as follows:

I. Introduction

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have been retained as an expert witness on behalf of APPLE INC. for the above-captioned *inter partes* review (IPR). I am being compensated for my time in connection with this IPR at my standard legal consulting rate, which is \$500 per hour. I understand that the petition for *inter partes* review involves U.S. Patent No. 6,128,290 (“the ’290 patent”), APL 1001, which issued from U.S. Patent Application No. 08/949,999 (“the ’999 application”), filed on October 14, 1997. The ’290 patent is a continuation-in-part of U.S. Patent Application No. 08/611,695, filed on March 6, 1996. The ’290 patent names Phillip P. Carvey as the sole inventor. The ’290 patent issued on October 3, 2000, from the ’999 application. It is my understanding that the ’290 patent is currently owned by DSS Technology Management, Inc.

3. In preparing this Declaration, I have reviewed the ’290 patent and considered each of the documents cited herein in light of the general knowledge in the art at the time of the alleged inventions. In formulating my opinions, I have relied upon my experience, education and knowledge in the relevant art. I have also considered the viewpoint of a person of ordinary skill in the art (“POSA”)

(i.e., a person of ordinary skill in the field of wireless network technology, defined further below) prior to October 14, 1997, the proper priority date for the claims of the '290 patent.

II. My Background and Qualifications

4. I am currently an independent consultant. Since 1989, I have provided studies, strategies and opinions to industry and the legal profession, with particular emphasis on topics including: PDAs, Wireless data systems, Security, Engineering development practices, Microprocessor technology and Computer system architecture. Prior to and during my work as an independent consultant, I worked at senior levels of management for various large and small high technology companies and have over twenty years of management experience at those companies.

5. I received my Doctor of Philosophy degree in Electrical Engineering with a minor in Computer Science from Iowa State University in 1970. I received a Master of Science degree in Electrical Engineering from Iowa State University in 1968 and a Bachelor of Science degree in Electrical Engineering from Iowa State University in 1965. I also received a Master of Science Degree in Experimental Psychology from the University of Oregon in 1981 with an emphasis on user interface design.

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.