

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**SONY CORPORATION,
Petitioner**

v.

**RAYTHEON COMPANY,
Patent Owner**

Case IPR2015-01201

Patent 5,591,678

**DECLARATION OF WILLIAM H. McINNIS
REGARDING THE BUSINESS RECORDS OF RAYTHEON COMPANY**

I, William H. McInnis, declare and certify:

1. I am the Licensing Manager, IP and Licensing, for Raytheon Company (“Raytheon”). I have been in this position since 2006 and I have worked for Raytheon since 1983. I am of legal age and competent to testify in court. I make this Declaration based upon my personal knowledge of the matters described herein.

2. In my role as Licensing Manager, I am familiar with many aspects of

the record keeping policies and procedures of Raytheon.

3. I understand that Raytheon acquired Hughes Aircraft Company (“Hughes”) in 1997. I further understand that as part of that acquisition, Raytheon acquired certain patents, including U.S. Patent No. 5,591,678 (“the ’678 Patent”), as well as certain documents related to the ’678 Patent and to Hughes’ research and development (“R&D”) programs. Documents related to Hughes’ R&D programs include Independent Research and Development (“IR&D” or “IRAD”) Technical Plans, white papers, and lab notebooks. Raytheon’s SAS division has internal responsibility within Raytheon for these R&D documents and the ’678 Patent.

4. Based on my work at Raytheon, I have learned, and I understand, that the records from Hughes’ R&D programs, including the IRAD documents, white papers, and lab notebooks, were generated and maintained as a practice in the ordinary course of Hughes’ business. I further understand that Raytheon has maintained these materials in the ordinary course of its business since the 1997 acquisition of Hughes by Raytheon.

5. In the course of Raytheon’s discovery investigation related to Civil Action Nos. 2:15-CV-341-JRG-RSP and 2:15-CV-342-JRG-RSP, both pending in the United States District Court for the Eastern District of Texas, I requested that the Office of Records Management collect the IRAD documents, project proposal, and lab notebook that are listed in Appendix A to this declaration.

6. I understand that these particular IRAD documents, white paper, and lab notebook have been stored at an Iron Mountain facility both prior to, and subsequent to, Raytheon's acquisition of Hughes. I requested that Iron Mountain provide a custody report for these documents, which is attached hereto as Exhibit 2044. According to this report, the boxes in which I found the documents listed in Appendix A have been maintained at this Iron Mountain facility since at least as early as 1999.

7. The Office of Records Management provided me with the original copies of these documents. I thereafter provided copies of these documents to Raytheon's attorneys at Steptoe & Johnson, LLP. I presently maintain physical custody of these original documents at my office at Raytheon's headquarters in Waltham, Massachusetts.

8. Also in the course of Raytheon's discovery investigation related to the Eastern District of Texas lawsuits, I requested that SAS's Patent Department collect the invention disclosure documents that are described in Appendix A to this declaration.

9. I understand that these invention disclosure documents were stored by Hughes' patent department prior to Raytheon's acquisition of Hughes and have been stored by Raytheon's Patent Department since the acquisition.

10. Based on my work at Raytheon, I have learned, and I understand, that


the invention disclosure records from Hughes, including the invention disclosure documents attached hereto, were generated and maintained as a practice in the ordinary course of Hughes' business. I further understand that Raytheon has maintained these materials in the ordinary course of its business since the 1997 acquisition of Hughes by Raytheon.

11. I am familiar with the documents listed in Appendix A to this declaration. I have compared these exhibits to the original documents, of which I presently maintain physical custody, as noted above, and each of these documents is a true and accurate duplicate of these documents as they have been maintained by Hughes and Raytheon, with the caveat that Raytheon's attorneys have added a confidentiality stamp at the top of each page ("HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY") and have added a Bates number at the bottom of each page (e.g., "RAY00000176"). Raytheon's attorneys have also added additional language at the bottom Exhibits 2010 through 2014, and 2036, in accordance with International Traffic in Arms Regulations requirements: "This document contains Technical Data controlled under the International Traffic in Arms Regulations (ITAR) and may not be exported, reexported, temporarily imported, transferred, or retransferred to any non-U.S. person, country or entity, by any means, without the appropriate approval of the U.S. Department of State, Directorate of Defense Trade Controls." With these caveats, I certify that the documents listed in

Appendix A to this declaration are true and accurate copies of the original writings maintained by Hughes and Raytheon since their creation.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: March 11, 2016



William H. McInnis

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