

Submitted on behalf of Seymour Levine

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE BOEING COMPANY

Petitioner,

v.

SEYMOUR LEVINE

Patent Owner

Case IPR2015-01341

Patent RE039,618

**DECLARATION OF SEYMOUR LEVINE IN SUPPORT OF PATENT
OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120**

I, Seymour Levine, declare as follows:

1. I am the named inventor on U.S. Reissue Patent RE39,618. I make this declaration of personal, first hand knowledge, and if called and sworn as a witness, I could and would testify competently hereto.
2. On or before May 18, 1996, I conceived, in the United States, of the inventions disclosed and claimed in U.S. Patent RE39,618. I recorded the details of my invention in contemporaneous handwritten notes, true and correct copies of which are contained in **Exhibit 2002**. These notes were recorded by me at or near the time I conceived of my invention during the month of May, 1996, and my signature appears on the first page of Exhibit 2002, above my printed name and the first date on which the notes were recorded. As is my practice, each page of my notes is individually initialed by me and dated on the date the notes on that page were recorded. These notes were made in the regular course of business as part of my regular practice to record such activity.
3. Sometime prior to September 27, 1996, I contacted patent attorney Norton Townsley about obtaining patent coverage for my invention.
4. Prior to contacting Mr. Townsley, I converted my original notes into a draft invention disclosure for my invention, which I titled, "Remote Flight Recorder and Timely Aircraft Advisory System, Rafts." A true and correct copy of one version of that invention disclosure is contained in **Exhibit 2003**. I provided

an earlier version of this draft invention disclosure to Mr. Townsley. My draft invention disclosures were recorded by me at or near the time indicated on Exhibit 2003 and I have personal knowledge thereof. My draft invention disclosures were made in the regular course of business as part of my regular practice to record such activity.

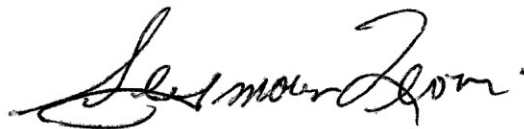
5. On or about October 18, 1996, I received the results of a preliminary patentability search Mr. Townsley had requested, the contents of which are reflected in Exhibit 2006. I reviewed the search results over the next few days then asked Mr. Townsley to proceed with preparing the patent application. On or about October 24, 1996, I received a Patent Preparation Contract from Mr. Townsley, the contents of which are reflected in Exhibit 2007, which I executed and returned to him.

6. I continued to revise my draft invention disclosures, as reflected in **Exhibit 2004**, which is a true and correct copy of my revised draft invention disclosures for a “Remote Flight Recorder and timely Aircraft Advisory System, Rafts,” dated October 23, 1996. This revised draft invention disclosure was recorded at or near the time indicated on Exhibit 2004 and I have personal knowledge thereof. My draft invention disclosure was made in the regular course of business as part of my regular practice to record such activity.

7. On or about November 19, 1996, I received a draft patent application from Mr. Townsley with a transmittal letter having the contents reflected in Exhibit 2008. I quickly reviewed the draft and returned it to Mr. Townsley with my comments and suggestions. Over the next few weeks I worked with Mr. Townsley to finalize the patent application so that it could be filed with the PTO.

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

Executed March 25, 2016, at CULVER CITY, California.



Seymour Levine