

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 NORTON R. TOWNSLEY IN SUPPORT OF PATENT
OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120**

I, Norton R. Townsley, declare as follows:

1. I am over the age of 18 and a resident of California. If called upon to do so, I could and would testify to the following facts.

2. On or before September 27, 1996, I was contacted by Seymour Levine about the possibility of representing him for the purposes of obtaining patent protection for his invention related to a remote flight recorder and timely aircraft advisory system. Mr. Levine provided me with a preliminary invention disclosure, which was similar in format and content to that contained in **Exhibit 2003**. I read Mr. Levine's preliminary invention disclosure and understood its contents.

3. On September 27, 1996, I sent a letter to William S. Ramsey requesting a patentability search on the invention disclosure provided to me by Mr. Levine, which I described in summary in the letter. A true and correct copy of that letter is contained in **Exhibit 2005**. This letter was made by me at or near the date indicated on the letter and was transmitted to Mr. Ramsey on or near that date. The letter was also made in the regular course of business as part of my regular practice to record such activity.

4. On or about October 18, 1996, I received the results of the patentability search from Mr. Ramsey, the substance of which I conveyed to Mr. Levine in a letter, a true and correct copy of which is contained in **Exhibit 2006**. This letter was made by me at or near the date reflected on the letter and was

transmitted to Mr. Levine on or near that date. The letter was also made in the regular course of business as part of my regular practice to record such activity.

5. Within one week of his receiving the patentability search results and sometime prior to October 24, 1996, Mr. Levine asked me to represent him in the preparation and filing of a patent application to cover his invention of a Remote Flight Recorder and Timely Aircraft Advisory System. To this end, I prepared my standard Patent Preparation Contract to formalize my relationship with Mr. Levine, a true and correct copy of which is contained in **Exhibit 2007**. This contract was made by me at or near the date reflected on the contract and was executed by both me and Mr. Levine on or about that date. The contract was also made in the regular course of business as part of my regular practice.

6. Over the next few weeks I worked to prepare Mr. Levine's patent application, while also working on matters for other clients in the regular course of my practice. It is my practice to work on matters with earlier due dates before ones with later due dates. On or about November 19, 1996, I completed a first draft of Mr. Levine's patent application and sent it to him for his review. A true and correct copy of my transmittal letter to Mr. Levine covering that draft application is contained in **Exhibit 2008**. This letter was made by me at or near the date reflected on the letter and was transmitted to Mr. Levine on or near that date. The

letter was also made in the regular course of business as part of my regular practice.

7. Over the following few weeks I continued to work with Mr. Levine to revise his patent application and prepare it for filing. Mr. Levine always responded quickly to my drafts and I would implement any changes or suggestions he offered in the regular course of my work for him and my other clients. I filed Mr. Levine's patent application on December 17, 1996. The time between my retention by Mr. Levine and the filing of his patent application was typical for my practice, if not a little shorter.

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

Executed on March 19, 2016, at Los Angeles, California.



Norton R. Townsley