

Filed on behalf of: Verizon Services Corp. et al.

By: Dinesh N. Melwani (dmelwani@bookoffmcandrews.com)
Roland G. McAndrews (rmcandrews@bookoffmcandrews.com)
Aaron M. Johnson (ajohnson@bookoffmcandrews.com)
BOOKOFF McANDREWS, PLLC
2401 Pennsylvania Ave., NW
Suite 450
Washington, DC 20037
Telephone: 202-808-3550
Facsimile: 202-450-5538

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VERIZON SERVICES CORP., VERIZON SOUTH INC., VERIZON VIRGINIA
LLC, VERIZON COMMUNICATIONS INC., VERIZON FEDERAL INC.,
VERIZON BUSINESS NETWORK SERVICES INC., AND MCI
COMMUNICATIONS SERVICES, INC.
Petitioners,

v.

SPHERIX INCORPORATED
Patent Owner.

U.S. Patent No. 6,980,564

DECLARATION OF ROBERT P. MCNAMARA, PH.D.

TABLE OF CONTENTS

I. INTRODUCTION1

II. QUALIFICATIONS2

III. SUMMARY OF OPINIONS AND MATERIALS REVIEWED6

IV. LEVEL OF ORDINARY SKILL IN THE ART7

V. BACKGROUND OF THE '564 PATENT8

VI. CLAIM CONSTRUCTION15

 A. “Network Interface Unit”15

 B. “Service Delivery Unit”18

 C. Family of Different Types of Service Delivery Units.....21

 D. “Format”23

 E. “Media Control Module”24

VII. CERTAIN REFERENCES TEACH OR SUGGEST ALL OF THE
FEATURES OF CLAIMS 1-3 AND 5-9 OF THE '564 PATENT.....25

 A. *Humpleman’s* Teachings25

 B. *Humpleman* Teaches All of the Features of Claims 1-3 and 5-9.....27

 1. Claim 127

 2. Claim 234

 3. Claim 338

 4. Claim 539

 5. Claim 639

 6. Claim 740

 7. Claim 841

8. Claim 9	41
C. <i>Kimbrough's</i> Teachings	42
D. <i>Kimbrough</i> Teaches All of the Features of Claims 1-3 and 5-9	44
1. Claim 1	44
2. Claim 2	49
3. Claim 3	50
4. Claim 5	51
5. Claim 6	51
6. Claim 7	52
7. Claim 8	53
8. Claim 9	54
VIII. Conclusion.....	55

I, Robert P. McNamara, declare as follows:

I. INTRODUCTION

1. I have been retained by Verizon Services Corp., Verizon South Inc., Verizon Virginia LLC, Verizon Communications Inc., Verizon Federal Inc., Verizon Business Network Services Inc., and MCI Communications Services, Inc.

(collectively, “Verizon” or “Petitioner”) as an independent expert consultant in this proceeding before the United States Patent and Trademark Office (“USPTO”).

Although I am being compensated at my normal consulting rate of \$300 per hour for the time I spend on this matter, no part of my compensation is dependent on the outcome of this proceeding or any other related proceeding. I have no other interest in the proceeding.

2. I understand that this proceeding involves U.S. Patent No. 6,980,564 (“the ’564 patent”) (Ex. 1001). Based on a review of the front page of the ’564 patent, I understand that the application for the ’564 patent was filed on June 19, 2001, as U.S. Patent Application No. 09/884,684, and issued on December 27, 2005. I also understand from the front page of the ’564 patent, that the ’564 patent is what is referred to as a “continuation application” of abandoned U.S. Patent Application No. 09/753,014 (“the ’014 application”) filed on January 2, 2001.

3. I have been asked to consider, among other things, whether certain references disclose or suggest the features recited in claims 1-3 and 5-9 of the '564 patent. My opinions are set forth below.

II. QUALIFICATIONS

4. I received Bachelor of Science and Master of Science degrees in Applied Physics from the California Institute of Technology ("Caltech") in 1973. In 1978, I received a Ph.D. from Caltech, also in Applied Physics.

5. Aside from my academic expertise, I have extensive industry experience with broadband telecommunications technology products. Specifically, I have over 35 years of experience in telecommunications technology and the development and implementation of local network access products for the deployment of voice, data, video, and energy management in Fiber Optic, Hybrid Fiber Optic-Coax ("HFC") and Wireless Networks. My experience spans digital network services, such as, e.g., Home Information Systems and Internet Applications, Digital Telephony, and Voice over IP ("VoIP") Systems.

6. Early in my career, I was employed by AT&T Bell Telephone Laboratories where I worked on developing network systems to provision telephone, data, and video services to the home over a fiber optic infrastructure.

7. After Bell Labs, I was employed by GTE Service Corporation where I was responsible for developing GTE's technical analysis of entry into the cellular

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.