

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERREMARK NORTH AMERICA LLC, VERIZON BUSINESS NETWORK
SERVICES INC., VERIZON SERVICES CORP., TIME WARNER CABLE
INC., ICONCONTROL NETWORKS, INC., AND COXCOM, LLC,
Petitioners

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC,
Patent Owner

CASE IPR: 2015-01478

**DECLARATION OF RICHARD BENNETT IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,542,076
UNDER 35 U.S.C. §§311-319 AND 37 C.F.R. §§ 42.1-.80 & 42.100-.123**

LIST OF EXHIBITS

The following is a list of exhibits that I understand have been attached to the accompanying petition for *Inter Partes* Review that I have cited below in this Declaration:

- | | |
|---------|---|
| EX-1001 | U.S. Patent No. 6,542,076 (“the ‘076 Patent”) |
| EX-1003 | <i>Curriculum Vitae</i> of Richard Bennett |
| EX-1005 | U.S. Patent No. 5,461,372 to Busak et al., (“Busak”),
issued on October 24, 1995 |
| EX-1006 | U.S. Patent No. 5,061,916 to French et al., (“French”),
issued on October 29, 1991 |
| EX-1007 | U.S. Patent No. 3,866,164 to Peterson (“Peterson”),
issued on February 11, 1975 |

I, Richard Bennett, declare as follows:

1. I have been retained to provide my opinions for the above-captioned *Inter Partes* review proceeding. I understand that this proceeding involves U.S. Patent No. 6,542,076 (“the ‘076 Patent”). I am being compensated for my time in preparing this declaration, but my compensation is not tied to the outcome of this matter, and my compensation is not based on the substance of the opinions rendered here.

2. I have reviewed and am familiar with the specification and claims 31, 40, 48, 143, 183, 185, 188, 206, 216, and 217 (“the Challenged Claims”) of the ‘076 Patent.

3. I have reviewed and am familiar with the following prior art, which I understand is used in the petition for *Inter Partes Review* of the ‘076 patent:

- U.S. Patent No. 5,461,372 to Busak et al., (“Busak,” provided as Ex-1005);
- U.S. Patent No. 5,061, 916 to French, et al. (“French,” provided as Ex-1006).

4. My opinions are based on my years of education, research and experience, as well as my investigation and study of the Exhibits in the above List of Exhibits.

I may rely upon these materials and/or additional materials to rebut arguments raised by Patent Owner. I reserve the right to revise, supplement, and/or amend

my opinions stated herein based on new information and on my continuing analysis of the materials already provided.

I. QUALIFICATIONS

5. I have summarized in this section my educational background, career history, network standards activities, and other relevant qualifications. My full curriculum vitae is attached hereto as Ex. 1003.

6. I earned the Bachelor of Arts degree at the University of Texas (Austin) in 1975 with a major in Philosophy, and subsequently took courses in computer science and electrical engineering.

7. I worked as a computer programmer, network engineer, and system architect from 1977 until 2009 with a number of computer networking firms, including those that produced tele-video systems such as Hewlett-Packard, Sharp Labs, Compression Labs, Sony Electronics Laboratory, Starlight Networks, Fourth Network, 3Com, Intel, and Cisco. In the course of my professional career, I developed network protocols and applications, video servers, television remote control systems, ad insertion equipment for TV broadcasters, and Quality of Service mechanisms for networks that enabled high-quality video streaming and remote control of video streaming.

8. I was the vice-chairman of the IEEE 802.3 1BASE-5 Task Group in 1984-85. This group wrote the initial standard that moved Ethernet from a shared coaxial cable system to its present architecture in which twisted copper pair or fiber optic cables emanate from a shared hub or switch. I also contributed mechanisms to the IEEE 802.11 (Wi-Fi™) and 802.15.3a (Ultra-Wideband) standards.

9. As an invited witness, I have provided technical expert testimony on networking subjects to the Federal Communications Commission, the United States House of Representatives, and the Infocomm Development Authority of the Republic of Singapore, where I am currently analyzing net neutrality policies for their potential impact on real-time applications such as video conferencing, video streaming, and gaming over the Internet.

10. I am currently a Visiting Fellow at the American Enterprise Institute where I research the intersection of emerging network technologies and public policy. My work address is 1150 17th Street, NW, Washington, DC 20036.

11. I am an inventor or co-inventor of four issued patents which cover aspects of video streaming across networks, security and setup in Local Area Networks (LAN), and Quality of Service on LANs.

12. At the time of the invention in question, I was a software developer working on a video-on-demand server at Hewlett-Packard.

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