

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COXCOM, LLC,  
Petitioner

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC,  
Patent Owner

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CASE IPR: Unassigned

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**DECLARATION OF RICHARD BENNETT IN SUPPORT OF  
PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,397,363  
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. 7,397,363 (“the ‘363 Patent”)  |
| EX-1002 | Declaration of Richard Bennett for the ‘363 Patent   |
| EX-1003 | Curriculum Vitae of Richard Bennett  |
| EX-1004 | U.S. Patent Application No. 08/622,749 filed on<br>March 27, 1996 (“Mar 1996 application”)       |
| EX-1005 | Excerpts from the Prosecution History of the ‘363<br>Patent                                      |
| EX-1006 | Excerpts from the Prosecution History of the ‘130<br>Patent                                      |
| EX-1007 | Excerpt from Merriam-Webster Dictionary (10th ed.<br>1995)                                       |
| EX-1008 | U.S. Patent No. 5,875,430 to Koether et al.,<br>(“Koether”)                                      |
| EX-1009 | U.S. Patent No. 5,805,442 to Crater et al., (“Crater”)   |
| EX-1010 | Excerpt from Concise Dictionary of Engineering: A<br>Guide to the Language of Engineering (2014) |

I, Richard Bennett, declare as follows:

1. I have been retained by Petitioner to provide my opinions in an *inter partes* review proceeding that involves U.S. Patent No. 7,397,363 (“the ‘363 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 1, 3-5, 8, 13-17, 20, 42-46, 48-49, 53-54, and 85-86 (“the Challenged Claims”) of the ‘363 Patent.

3. I have reviewed and am familiar with the following prior art, which I understand is used in the petition of the ‘363 patent:

- The Koether patent (Ex. 1008 – U.S. Patent 5,875,430)
- The Crater patent (Ex. 1009 – U.S. Patent 5,805,442)

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 vita 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 17<sup>th</sup> 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.

## **II. MY UNDERSTANDING OF THE LAW**

13. It is my understanding also that a patent claim is unpatentable if the claimed invention as a whole would have been obvious to a person having ordinary skill in the art (“POSITA”) at the time of the invention, in view of the prior art in the field

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