

EXPERT DECLARATION OF DR. KEVIN NEGUS

FOR

***INTER PARTES* REVIEW OF U.S. PATENT NO. 8,648,717**

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I. INTRODUCTION AND QUALIFICATIONS

A. Introduction

1. I, Dr. Kevin Negus, submit this declaration in support of Sierra Wireless America, Inc., Sierra Wireless, Inc. and RPX Corp.’s (“Petitioners”) Petition for *Inter Partes* Review of United States Patent No. 8,648,717 (“the ‘717 Patent”), owned by M2M Solutions LLC.

2. I make this declaration based upon my personal knowledge. I am over the age of 21 and am competent to make this declaration.

3. The statements herein include my opinions and the bases for those opinions, which relate to the following documents of the pending *inter partes* review petition:

- 1001 U.S. Patent No. 8,648,717 (“the ‘717 patent”)
- 1002 Prosecution History for U.S. Patent No. 8,648,717 (“the ‘717 prosecution history”).
- 1003 Int’l Patent Pub. No. WO99/49680 (“Whitley”)
- 1004 Digital cellular telecommunications system, Phase 2+; Specification of the Subscriber Identity Module - Mobile Equipment, SIM - ME interface, GSM 11.11 version 7.4.0 Release 1999 (“SIM+ME Spec”)
- 1007 Digital cellular telecommunications system (Phase 2+); AT command set for GSM Mobile Equipment (ME) (GSM 07.07 version 5.8.1 Release 1996) (“AT Command Set”)
- 1009 Digital cellular telecommunications system, Phase 2+; General Packet Radio Service (GPRS); Service description; Stage 2 (GSM 03.60 version 6.3.2 Release 1997) (“GPRS Service Description”)
- 1014 Digital cellular telecommunications system, Phase 2+; Specification of the SIM Application Toolkit for the Subscriber Identity Module – Mobile Equipment (SIM-ME) interface (GSM 11.14 version 7.3.0 Release 1998)

- 1015 The Subscriber Identity Module, European Telecommunications Standardization and the Information Society, The State of the Art 1995 (“State of the Art”)
- 1017 Digital cellular telecommunications system (Phase 2+) (GSM); Universal Mobile Telecommunications System (UMTS); General Packet Radio Service (GPRS); Service description; Stage 2 (3G TS 23.060 version 3.3.0 Release 1999)
- 1018 Excerpts of Mobile Handset Design, Sajal Kumas Das, John Wiley & Sons, ISBN 978-0-470-82467
- 2011 Expert Declaration of Joel R. Williams, dated May 25, 2016
- 2015 3rd Generation Partnership Project; Point-to-Point (PP) Short Message Service (SMS) Support on Mobile Radio Interface; 3G TS 24.011 V3.2.0 (2000-03 Release 1999)
- 2016 Excerpts of my deposition in the related ‘010 patent litigation
- 2017 My deposition transcript in these IPR proceedings
- 2018 Excerpts of my expert report in the related ‘010 patent litigation
Patent Owner’s Response Pursuant to 37 CFR §42.120, Paper 27

4. Although I am being compensated for my time at a rate of \$500 per hour in preparing this declaration, the opinions herein are my own, and I have no stake in the outcome of the review proceeding. My compensation does not depend in any way on the outcome of the Petitioner’s petition.

B. Qualifications

- 5. See prior declaration (Exhibit 1013).

II. MATERIALS REVIEWED

- 6. In forming my opinions, I reviewed the documents referenced above.

III. PERSON OF ORDINARY SKILL IN THE ART

7. See prior declaration (Exhibit 1013).

IV. STANDARDS FOR CLAIM CONSTRUCTION, ANTICIPATION, AND OBVIOUSNESS

8. See prior declaration (Exhibit 1013).

V. THE '717 PATENT

9. See prior declaration (Exhibit 1013).

VI. CLAIM CONSTRUCTION

10. I understand that, in a review proceeding, the claims are to be given their broadest reasonable interpretation consistent with the '717 Patent specification, and that claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. I also understand that limitations from the specification are not to be read into the claims. The specification, however, can inform a person of ordinary skill in the art as to the broadest reasonable interpretation of the claims.

11. Counsel has informed me that the broadest reasonable interpretation for “coded number” is “any code used to authenticate a transmission.”

12. Counsel has informed me that the broadest reasonable interpretation for “identity module” is “any device for storing the unique identifier or the coded number, including the SIM card.”

13. Counsel has informed me that the broadest reasonable interpretation for “programming transmitter” is “any IP device or mobile phone capable of performing remote programming of a programmable communicator.”

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