UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner
v.
CORE WIRELESS LICENSING S.A.R.L.,
Patent Owner

Case IPR2015-01899
Patent 8,713,476

Before the Honorable JAMESON LEE, DAVID C. McKONE, and KEVIN W. CHERRY, *Administrative Patent Judges*.

REBUTTAL DECLARATION OF DR. BRAD A. MYERS IN SUPPORT OF PETITIONER APPLE INC'S REPLY TO PATENT OWNER CORE WIRELESS'S RESPONSE

I, Dr. Brad Myers, have previously been asked by Apple ("Petitioner") to testify as an expert witness in this action. As part of my work in this action, I have been asked by the Petitioner to respond to certain assertions offered by Core Wireless ("Patent Owner" or "PO") concerning U.S. Patent No. 8,713,476 ("the '476 patent") in this proceeding, IPR2015-01899. I hereby declare, under penalty of perjury under the laws of the United States of America, as follows:[1]

I. INTRODUCTION

1. I previously executed a Declaration in this proceeding on September 11, 2015, as Exhibit 1003. My experience, qualifications, and compensation are provided in this prior Declaration (¶¶ 2-8) and curriculum vitae (Appendix A attached to Exhibit 1003).

2. In this Declaration, I respond to certain assertions in Patent Owner Core Wireless's Response ("Opp.") (Paper No. 18) and Mr. Scott Denning's Declaration (Ex.2011) submitted on July 15, 2016.

3. In reaching the conclusions described in this declaration, I have relied on the documents and materials cited herein as well as those cited within and identified in Appendix B attached to my prior Declaration (Ex.1003). Each of these

[1] Throughout this declaration, all emphasis and annotations are added unless noted.

materials is a type of document that experts in my field would reasonably rely upon when forming their opinions.

4. My opinions are also based upon my education, training, research, knowledge, and personal and professional experience.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

II. OPINIONS

A. "application" (cls. 1/20)

6. I understand PO construes "application" to mean "an 'application' exists in a particular software architecture having an operating system that can manage multiple executables (e.g. applications), and an application can be launched to access its associated functions and data." Opp. 13-14. I disagree.

7. As my opening declaration makes clear, I applied the plain and ordinary meaning of "application" under the broadest reasonable interpretation (BRI) consistent with the specification in forming my opinions. Ex.1003 ¶ 32. In my opinion, such interpretation of the term "application" is "a program, or group of programs working together, designed to provide access to functions and data." The '476 specification does not specifically define the term "application" but describes different applications that provide access to certain functions and data. Ex.1001, 1:43-51, 2:34-36, 3:17-33, Fig. 1. This is further supported by technical dictionaries of the type that experts in my field would reasonably rely upon. For example, Ex.1028, 5 ("**application** A program or group of programs designed for end users"); Ex.1031, 4 ("**application program** Software that enables a computer to perform a set of related tasks for a specific purpose, such as word processing, working with spreadsheets or graphics, or Web browsing."), 5 ("**program** A set of coded instructions that direct a computer in performing a specific task")). This interpretation is also consistent with the contemporaneous use of the term in the art (*e.g.*, "web applications"). *See* Ex.1029 1:40-47 ("A web application is little more than a set of web pages that support different functionalities.").

B. "function" includes opening a certain window of an application (Cls. 1/20)

8. The patent owner (PO) proposes that "function" cannot include merely opening a window of an application. Opp. 18-20. I disagree. As my initial declaration makes clear, I applied the plain and ordinary meaning of "function" under the broadest reasonable interpretation (BRI) consistent with the specification in forming my opinions. Ex.1003 ¶¶ 32, 86-91, 125-128. Such interpretation of "function" includes an "operation or command" and is not limited to an "an action that a user is to perform within the corresponding application." Opp. 18. This is further supported by technical dictionaries of the type that experts in my field would reasonably rely upon. *See e.g.*, Ex.1028, 6 ("*function*…used synonymously with *operation* and command") (emphasis in original). Indeed, the '476 specification mentions "commands" in explaining its functions. (e.g., 1:64-2:1).

9. In my opinion, it would have been well understood that "function" includes displaying relevant information in a window of an application because the specification discusses that when a function in the App Snapshot (*i.e.*, claimed application summary window) is selected, the device may "*display[] the relevant screen* offering the relevant functionality." Ex.1001, 3:58-62. Additionally, in my opinion, even PO's cited "examples" (Opp. 18), such as "enter a PIN security number" and "Enter chat room," would involve opening a certain window/view on a screen, such as opening a message or chat window. After reviewing the specification and claims, I did not find anything that requires a second user action

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