IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

In re Application of: Mathieu Kennedy Martin **Patent No.:** 8,434,020 **Filed:** August 27, 2003 **Issued:** April 30, 2013 **Assignee:** Core Wireless Licensing S.a.r.l. **Title:** COMPUTING DEVICE WITH IMPROVED USER INTERFACE FOR APPLICATIONS	**Declaration of Vernon Thomas Rhyne, III** **In Support of the Petition for *Inter Partes* Review of U.S. Patent No. 8,434,020**

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF VERNON THOMAS RHYNE, III, REGARDING U.S. PATENT NO. 8,434,020

Background and Qualifications

1.   My name is Vernon Thomas Rhyne, III. I have more than forty (40) years of electrical engineering experience and have worked extensively with software interface standardization and other advanced software development projects. For example, I was the Vice President of a company where I managed research into software interface development, specifically the Microelectronics and Computer Technology Corporation (MCC). I also spent many years in various

roles developing and testing Computer-Aided Design (CAD) framework and interfaces.

2.   I hold degrees from Mississippi State University (Bachelors of Science in Electrical Engineering with Honors, 1962), the University of Virginia (Masters of Electrical Engineering, 1965), and the Georgia Institute of Technology (Ph.D. in Electrical Engineering, 1967). I have been a registered Professional Engineer in the State of Texas since 1969 (TX, No. 28,728) and I have been a Registered Patent Agent since 1999 (No. 45,041).

3.   A copy of my latest *curriculum vitae* (C.V.) is attached as Appendix A.

Status as Independent Expert Witness

4.   I have been retained in this matter by LG ELECTRONICS MOBILECOMM U.S.A., INC. ("Petitioner" or "LG") to provide an analysis of the scope and content of U.S. Patent No. 8,434,020 (hereinafter "the '020 patent") relative to the state of the art at the time of the earliest application underlying that patent. In particular, my analysis relates only to claims 1, 2, 5-8, 10, 11, 13, and 14 of the '020 patent. I have also been asked to provide an analysis regarding what a person of ordinary skill in the art related to graphical user interfaces would have understood at the time of the earliest application underlying the '020 patent.

5.   I am being compensated at the rate of $695 per hour for my work. My fee is not contingent on the outcome of any matter or on any of the technical positions I explain in this declaration. I have no financial interest in Petitioner.

6.   I have been informed that Core Wireless Licensing S.a.r.l. (hereinafter referred to as "Patent Owner") owns the '020 Patent. I have no financial interest in the Patent Owner or the '020 patent, nor to my recollection have I ever had any contact with the Patent Owner or the listed inventor of the '020 patent, Mathieu Kennedy Martin.

Description of the Relevant Field and the Relevant Timeframe

7.   I have carefully reviewed the specification, drawings, and claims of the '020 Patent.

8.   For convenience, all of the information that I considered in arriving at my opinions is listed in Appendix B.

9.   Based on my review of these materials, I believe that the relevant field for purposes of the '020 patent is graphical user interfaces for computer devices. *See* the '020 specification at 1:14-24. I have been informed that the relevant timeframe runs up to July 2000. .

10.   As described above and in my C.V., I have extensive experience in the relevant technical field, including experience relating to computer-generated graphical user interfaces. Based on my experience, I have an understanding of the relevant field in the relevant timeframe.

State of the Art as of July 2000

11.   As of July 2000 and before the alleged priority date of the '020 patent, a person of skill in the art of the '020 patent would have been well aware of computing devices that could launch applications before the alleged priority date of the '020 patent. For example, Apple's Mac OS operating system and Microsoft's Windows operating system were both well known in that time frame, and both systems included the functionality used to launch applications.

12.   A person of skill would also have understood that mobile computing devices could include an operating system and run applications. For example, in 1994, IBM released the "Simon," a Personal Communicator which included a Phone application and its "Mobile Office" applications which provided Simon users an Address Book, Calendar, Mail, Note Pad, and a To Do list, each a program that users could select and execute.

13.   A person of skill in the art would also have been familiar with Ericsson's release of their R380 "smartphone" in 1999, which included a version

of the Symbian EPOC32 operating system and included a variety of applications, including Contacts, Mail, Calendar, and Phone. As shown below, the R380 Smartphone was a GSM mobile phone made by Ericsson Mobile Communications. It combined the functions of a mobile phone and a personal digital assistant (PDA):

14. Thus, a person of skill in the art would not have understood the '020 patent to be the first computing device that could launch one or more applications. In fact, the '020 patent admits that such devices were known before alleged priority date of the patents. *See* the '020 specification at 1:14-15 and 1:37-46 (conceding "a mobile telephone" in the prior art "includes several different applications (*e.g.* a message application, a contacts/address book application, a calendar application and a telephone application)" that the user could "start/open."

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