

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION

Petitioner

v.

MD SECURITY SOLUTIONS LLC

Patent Owner

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IPR2016-00285  
Patent 7,864,983

**DECLARATION OF JAMES PARKER**

I, James Parker, declare as follows.

1. I am an independent consultant with over 33 year of experience in electronic security systems and electronic sensors research and development. I have been retained by counsel for MD Security Systems LLC (“MDSS”) to provide opinions and testimony in support of MDSS’s Patent Owner’s Response to Petition. If called as a witness, I could and would testify as follow.

**I. QUALIFICATIONS**

2. I previously served as Vice President of Engineering for Digital Security Controls Ltd., a leading global manufacturer of electronic security systems and components with sales exceeding \$400 million annually. In my work, I have been involved in and responsible for the research, development, design and manufacturing of electronic based products including security systems, burglar alarm systems, intrusion detection systems, home automation systems, occupancy detection systems, premise monitoring systems, Fresnel and Mirror Optic Passive Infra-red motion detectors, microwave doppler motion detectors, motion controlled LED illumination Systems and many other similar devices.

3. I am a named inventor on over 25 patents involving security systems, burglar alarm systems, premise monitoring systems, motion detectors, and home automation systems.

4. I earned a degree in Electronic Engineering Technology from RCC Institute of Technology in 1982. RCC Institute of Technology is a division of Yorkville University, located in Toronto, Canada.

5. Attached hereto as Exhibit A is a true and correct copy of my current curriculum vitae. The rate being charged for my services is \$400.00 per hour.

6. Exhibit B contains a list of materials that I considered in connection with reaching my opinions discussed herein.

## **II. SUMMARY OF OPINIONS**

7. I understand that the Patent Trial and Appeal Board (the “Board”) has found that there is a reasonable likelihood that Petitioner RPX Corporation will prevail on their challenge to the validity of certain claims of United States Patent 7,864,983 (the “’983 patent”).

8. In particular, I understand that the Board has found that RPX established that it is reasonably likely to prevail on its argument that Claims 1-8, 11, and 18-20 of the ’983 patent are unpatentable as obvious over Milinusic<sup>1</sup> and Osann,<sup>2</sup> and that claims 9, 10 and 12–17 are obvious over Milinusic, Osann, and Ozer.<sup>3</sup>

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<sup>1</sup> U.S. Patent No. 7,106,333 B1, issued September 12, 2006 (“Milinusic”).

<sup>2</sup> U.S. Patent No. 7,253,732 B2, issued August 7, 2007 (Ex. 1004) (“Osann”).

<sup>3</sup> U.S. Patent Application Publication No. 2004/0120581 A1, published June 24, 2004 (Ex. 1005) (“Ozer”).

9. It is my opinion that neither the proposed combination of Milinusic and Osann nor the combination of Milinusic, Osann and Ozer teach, suggest or render obvious the “processor . . . arranged to . . . receive the image” limitation of Claim 1 or the “processor which . . . receives the images obtained by the at least one camera” limitation of Claim 11. It is also my opinion that it would not be obvious to modify Milinusic’s system to enable the deactivation of its motion detectors, as claimed by dependent Claims 2 and 18.

### **III. LEVEL OF ORDINARY SKILL**

10. I have been informed by counsel for MDSS that in virtually all aspects of patent law, evaluations must be performed from the perspective of one having ordinary skill in the art. The level of skill in the art is a prism or lens through which a judge and jury view the prior art and the claimed invention. In addition to providing my opinions as to whether one of ordinary skill in the would conclude that each and every claim limitation of the ’983 patent is disclosed in the asserted prior art combinations, I have been asked to provide my opinion as to the educational level and professional experience of one having ordinary skill in the art of the ’983 patent.

11. I have reviewed the ’983 patent in connection with my work on this case. The ’983 patent relates to a security alarm system for protecting a structure that includes motion detectors connected to cameras. The relevant field of art of

the '983 patent is premises monitoring and alarm systems. I understand that the '983 patent was filed in April 2009 and claims priority to an application filed in March 2006, which I understand to be the time frame for evaluating the level of ordinary skill in the art.

12. I have been informed by counsel that in determining the level of ordinary skill in the art, it is appropriate to consider factors such as (1) the educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which innovations are made; (5) sophistication of the technology; and (6) educational level of active workers in the field. The opinions expressed in this declaration are made from the standpoint of how one of ordinary skill would have viewed or understood the issues discussed in this declaration.

13. I have reviewed Dr. Lavian's declaration, and generally agree with his opinion about the level of ordinary skill in the art, except that in the fields of electronic security systems, it is my opinion that an individual's professional experience is more valuable than education. Accordingly, in my opinion, a person of ordinary skill in the art in the timeframe of 2006 would have had a Bachelor of Science degree in Electrical Engineering, Computer Engineering or Computer Science or the equivalent, along with 2 years of working experience in image processing and/or developing telecommunications systems such as networked

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