

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., and APPLE INC.,
Petitioners,

v.

ROSETTA-WIRELESS CORPORATION,
Patent Owner.

Case IPR2016-00622¹
Patent No. 7,149,511 B1

Before the Honorable JUSTIN T. ARBES, PATRICK R. SCANLON, and JOHN A.
HUDALLA, *Administrative Patent Judges*.

**DECLARATION OF EDWARD F. BACHNER III IN SUPPORT OF PATENT
OWNER'S RESPONSE**

¹ Case IPR2016-00616 has been consolidated with this proceeding.

I. Introduction

A. Personal Background

1. My name is Edward F. Bachner III. I am the co-founder, Chief Executive Officer, and President of Rosetta-Wireless Corporation (“Rosetta”). Rosetta is the owner of U.S. Patent No. 7,149,511 (the “’511 Patent”), on which I am named as first inventor.

2. I submit this declaration in connection with Rosetta’s response to the petitions for inter partes review of the ’511 Patent brought by Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Apple Inc. (collectively, “Petitioners”).

3. Unless otherwise noted, the statements made herein are based on my personal knowledge and if called to testify with regards to this declaration I could and would do so competently and truthfully.

B. Education and Experience

4. My engineering degree, a Bachelor of Science With Distinction, is from Purdue University. Later I earned a Master of Business Administration from the University of Chicago. I have over thirty years’ experience in the engineering and design of wireless technology and systems, which I summarize below.

5. I worked as a Systems Engineer and Manager at Motorola, Inc. from 1968 to 1989, where I designed, developed and implemented critical communications systems including for the following entities, among others:

- a. White House Communications: A system for use by the United States Secret Service (e.g., Executive Protection);
- b. Pennsylvania State Police: A statewide 2-way radio and microwave system, including the first ever “vehicular-repeater” system, with over 1,000 mobile and portable two-way radios providing blanket coverage for first responders over the entire Commonwealth;
- c. Chicago Police Department: The first operational mobile data terminal system in the country. Operated from within the police cruisers, the system supplied real-time data for law enforcement activities. In order to assure performance, these mission-critical systems needed to be extremely reliable and survivable.

6. Thereafter, I joined Andrew Corporation in 1989 as a Group Marketing Manager (antennas, transmission lines, towers, and shelters) and was later promoted to Business Unit Manager. There, I was involved firsthand in the infrastructure side of cellular systems. I later assumed added responsibility for the System Service businesses in the United States and Latin America. I also

broadened my knowledge of radio propagation to include microwave frequencies and reliability enhancement through the use of diversity on those bands.

7. Subsequently, I became Vice President of Engineering at The Antenna Company, an assembler of cellular subscriber products, where I was responsible for the design and development of all products. In addition, I was the Management Representative leading to ISO-9001 quality certification.

8. I co-founded Double-Time Corporation, a company that developed aftermarket cellular phone accessories. As Vice Chairman and Chief Technology Officer, I co-authored three patents. The third patent was the '511 Patent, which I co-authored with Xin Du and John E. Major, a former Motorola executive (and co-worker) whom we invited to Double-Time Corporation to work on some ideas for the next generation of wireless data to solve the needs of mobile people. Based on my long history of collaboration with him, I am aware that Mr. Major holds graduate degrees in engineering, business, and law. On the same basis, I am aware that he served as the Executive Vice President of Qualcomm and Chairman of the Board of Broadcom, which are two leading wireless chip manufacturers, and as the Chief Executive Officer of Novatel Wireless.

II. Background of Rosetta and the '511 Patent

9. As discussed above, I have worked in the telecommunications industry for decades, with a particular focus on propagation constraints of cellular

phones, personal digital assistants (“PDAs”), and other portable wireless communications technology.

10. In the mid-1990s, Mr. Major and I began discussing issues with cellular communications. We intended to develop accessories to overcome the short battery life and other problems that plagued cellular phones of that era.

11. Our focus soon shifted to address the growing demand for remote data access. During the late 1990s and early 2000s, many employees arrived at their workplace in the morning and logged onto the office server, commonly called the “network” or the “network server.” This provided them with access to their company’s e-mail system, files, and other resources. As computers and computer systems became more and more essential to workplace activity, a user problem emerged—how to access their “network server” remotely so as to not be tied down to one’s desk.

12. At the time, cellular networks were transitioning from analog to digital and had extremely limited bandwidth with poor transmission coverage. While technologies existed that permitted transmittal of e-mails and similar materials to a two-way pager, those technologies were cumbersome and slow.

13. At its core, mobile data connections were simply too slow, and too intermittent to fulfill the needs of users on the move outside the enterprise network. If a user wanted to access remotely stored data, like an e-mail, he would request

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