

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WHATSAPP INC. and FACEBOOK, INC.

Petitioner

v.

TRIPLAY, INC.

Patent Owner

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IPR2016-00717

Patent 8,874,677 B2

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DECLARATION OF RAJEEV SURATI, Ph.D.

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I, Rajeev Surati, Ph.D., declare as follows:

## **I. QUALIFICATIONS**

1. I have more than twenty (20) years of experience in electrical engineering, computer science, and electronic messaging.

2. I attended the Massachusetts Institute of Technology (MIT) from 1988 to 1999, during which time I earned Bachelor of Science (1992), Master of Science (1995), and Doctor of Philosophy (1999) degrees in electrical engineering and computer science.

3. I am the inventor of US Patent No. 5,943,478, entitled “System for Popup Messaging over the Internet,” which describes a two-way messaging system like AOL Instant Messenger and MIT’s Zephyr service built at Internet scale.

4. In 1996, I founded a company called Flash Communications, which focused on technology related to US Patent No. 5,943,478 and associated technology that I had developed related to pop-up two-way messaging over the Internet. Flash Communications was sold to Microsoft Corporation in 1998, and Flash Communications’ messaging technology was incorporated into Microsoft’s Messenger service and Microsoft Exchange 2000 Instant Messaging Server.

5. While working at Microsoft between 1999 and 2000, I implemented an XML-based protocol that formed a basis for the Extensible Messaging and Presence Protocol (XMPP), which is now an IETF standard for the Exchange

Instant Messaging Server. I participated internally with the program management team on helping specify this protocol for the IETF standardization process.

6. Between 2000 and 2004, I worked as a consultant and investor at Nexaweb Corporation, where I helped implement several two-way messaging features over HTTP.

7. Also in 2000, I started a company known as photo.net, which was a large online photography community where I worked with many consumer electronics manufacturers in the digital camera business. I also implemented a number of multimedia transformation systems in implementing some of the first photo sharing systems for the internet on photo.net. Notably, the website in outputting HTML and WML formatted documents allowed me to experience and understand many of the issues related to layout and format and style sheets discussed in this declaration.

8. In 2004, I founded another company, Scalable Display Technologies (SDT). I have been the President and Chairman of SDT since its founding. SDT operates in the audio-video domain and has licensed software and firmware to various companies including Sony, Hitachi and NEC. I also implemented a distributed multimedia content playback system and spend a great deal of time dealing with multimedia transcoding and rendering systems.

9. I am on the advisory boards of several technology companies,

including: UnifySquare, which is a unified communications/realtime collaboration consultancy that focuses on telephony and instant messaging systems that Microsoft sells (Lync, an outgrowth of the company I sold Microsoft); Paneve, which develops general purpose ASIC coupled with compiler technology; Nexaweb, which develops realtime web application frameworks using HTTPS; Antix Labs, which develops compiler technology for universal gaming platform; Permabit, which develops content addressable storage; and Evoque, which is an ecommerce enabling platform publisher.

10. I have received several awards for my contributions as an inventor and entrepreneur, including the Global Indus Technovator Award 2009 and Laureate of 2009 Computer World Honors Program.

11. Additional information regarding my qualifications is set forth in my current curriculum vita, which is attached hereto as Exhibit A.

12. I have no financial interest in the Petitioner, the Patent Owner, or the outcome of this proceeding. I am being compensated for my work as an expert on an hourly basis at the rate of \$350 per hour. My compensation is not dependent on the outcome of these proceedings or the content of my opinions.

## **II. MATERIAL CONSIDERED**

13. The analysis provided in this Declaration is based on my education as well as my experience in the field of computer systems, generally, and electronic

messaging systems, in particular. In addition to relying upon my knowledge based on written materials and other information that was known in 2005, I have considered the Petition for *Inter Partes* Review of U.S. Patent No. 8,874,677, No. IPR2016-00717 (the “Petition”). I have also considered the exhibits to the Petition (Exs. 1001-1021), which include a Declaration of David Klausner, to Patent Owner’s Preliminary Response (Exs. 2003-2006, as well as my own Declaration, Ex. 2002), and Patent Owner’s additional exhibits related to the Patent Owner Response including the deposition of David Klausner (Exs. 2008-2009).

### **III. OVERVIEW AND LEGAL STANDARDS**

14. I have been asked to consider the Petition and offer my opinion on whether claims 1, 2, 11, 13, 14, 16, 17, 20 and 21 are obvious over Coulombe [Ex. 1003] in view of Bellordre [Ex. 1004] and Friedman [Ex. 1005]. I have also been asked to accept, for purposes of this declaration, the assertions in the Petition that claims 11, 16, and 17 are materially identical to claims 1, 14, and 2, respectively (Pet. at 32-34) and that claims 13, 20, and 21 are materially identical to claims 1, 14, and 2, respectively (*id.* at 34-38). In view of my acceptance of these assertions, I have offered an opinion for claims 1, 14 and not provided a separate invalidity analysis for claims 11, 16, and 17 or claims 13, 20, and 21.

15. I have been informed by counsel that claim terms are given their broadest reasonable construction that is consistent with the specification of the

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