

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HP INC.,

Petitioner

v.

MEMJET TECHNOLOGY LIMITED,

Patent Owner

Patent No. 8,678,550

DECLARATION OF STEPHEN F. POND, Ph.D.

HP Ex. 1002

HP Inc. v. Memjet Technology Ltd.

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. BACKGROUND AND QUALIFICATIONS	2
III. DOCUMENTS CONSIDERED	4
IV. RELEVANT PATENT LAW AND LEGAL STANDARDS.....	5
A. Priority Date	5
B. Anticipation	5
C. Obviousness.....	5
D. Standard of Proof.....	7
V. LEVEL OF ORDINARY SKILL IN THE ART	7
VI. OVERVIEW OF THE '550 PATENT AND ITS PROSECUTION HISTORY	7
VII. CLAIM CONSTRUCTION	13
A. “laminated ink distribution stack”	13
B. “transitional ducts”	16
VIII. ANALYSIS OF THE '550 PATENT CLAIMS IN LIGHT OF THE PRIOR ART.....	18
A. The Prior Art	18
1. Disclosure of Boyd	19
2. Disclosure of Waller	22
3. Disclosure of Ayata.....	24
4. Motivation to Combine Boyd with Waller	24
5. Motivation to Combine Boyd and Waller with Ayata.....	28
B. Ground 1: Claims 1-3 Are Obvious under 35 U.S.C. § 103(a) in View of Boyd and Waller.....	28

TABLE OF CONTENTS
(continued)

	Page
1. Claim 1	29
2. Claim 2	48
3. Claim 3	49
C. Ground 2: Claim 4 Is Obvious under 35 U.S.C. § 103(a) in View of Boyd, Waller, and Ayata	53
IX. CONCLUDING STATEMENTS	55

I, Stephen F. Pond, declare as follows:

I. INTRODUCTION

1. I formerly worked for the Xerox Corporation for over 25 years. I now work as a consultant in the area of electronic printing and have done so for the last 17 years. Accordingly, I have extensive experience in electronic printing, including ink jet technology. I have been retained by HP Inc. (formerly known as Hewlett-Packard Company) in connection with the above-captioned Petition for *Inter Partes* Review.

2. I understand that the Petition involves U.S. Patent No. 8,678,550 (“the ’550 patent”) (Ex. 1001). I have been asked by Petitioner to offer opinions regarding the ’550 patent, including the construction of certain claim terms and the patentability of the claims in view of certain prior art. This declaration sets forth the opinions I have reached to date regarding these matters.

3. In preparing this declaration, I have reviewed the ’550 patent and considered each of the documents cited herein. In reaching my opinions, I have relied upon my experience in the field and also considered the viewpoint of a person of ordinary skill in the art at the time of the earliest claimed priority date of the ’550 patent, *i.e.*, the year 2000. As explained below, I am familiar with the level of a person of ordinary skill in the art regarding the technology at issue as of that time.

4. I am being compensated at my normal rate of \$500 per hour in connection with this review. My compensation is not contingent on the outcome of this review or on the substance of my opinions. I further have no financial interest in Petitioner. I have been informed that the '550 patent may currently be assigned to Memjet Technology Limited ("Memjet"). I have no financial interest in Memjet.

II. BACKGROUND AND QUALIFICATIONS

5. A true and correct copy of my *curriculum vitae* is attached as Ex. 1007. As set forth in my CV, I have over 40 years of research, product engineering, and consulting experience in the field of electronic printing, including thermal inkjet ink printing technologies. I received a Bachelor's Degree (Magna Cum Laude) in Physics in 1967 from Dartmouth College, a Master's Degree in Physics from University of Illinois in 1968, and a Ph.D. in Physics from University of Illinois in 1971. I am a member of the Phi Beta Kappa honor society.

6. I served for 26 years at Xerox Corporation in numerous areas related to electronic printing. From 1972-1979, I served as a Scientist at Xerox responsible for experimental studies in toner adhesion, was project leader and principal technical contributor for feasibility studies for a magnetographic electronic duplicator, and became a charter technical contributor to Xerox's continuous inkjet research program. In that last role, I was responsible for early

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.